

# ZONING ORDINANCE



**PULASKI**  
**WHERE YOUR NEW PATH BEGINS**

**A D O P T E D : M A R C H 4 , 2 0 0 3**  
**U P D A T E D W I T H A L L A M E N D M E N T S A S**  
**O F A P R I L 1 1 , 2 0 2 5**



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## ZONING ORDINANCE DECLARATION

### TOWN OF PULASKI, VIRGINIA

WHEREAS, by act of the General Assembly of Virginia as provided in Title 15, Code of Virginia, 1950, and amendments thereto, authorizing the governing body of every municipality to classify the territory under its jurisdiction into districts and to regulate, restrict, permit, prohibit and determine the use of lands, buildings, structures, and other premises for agricultural, business, industrial, residential, flood plain and other specific uses; the size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures; the areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces be left unoccupied by uses and structures, including variations in sizes of lots based on whether a public or community water supply or sewer system is available and used; the excavation or mining of soil or other natural resources; and to provide for amendments and changes therein; to require municipal planning commissions to perform certain duties with reference thereto; to permit the appointment and prescribe the powers and duties of municipal boards of zoning appeals; and to provide methods for enforcement of this ordinance and penalties for the violation thereof.

THEREFORE, BE IT ORDAINED, by the Town Council of Pulaski, Virginia, for the general purpose of promoting the health and safety and the general welfare of the public requiring it, that the following be adopted as the Zoning Ordinance of the Town of Pulaski, Virginia, together with the accompanying map or maps adopted herewith as an integral part of the Ordinance and to be known as the Zoning District Map of the Town of Pulaski, Virginia.

## ARTICLE 1 TITLE, APPLICATION, PURPOSE, INTERPRETATION

### Section 1.1 Title

This ordinance shall be known as the Zoning Ordinance for the Town of Pulaski, Virginia.

### Section 1.2 Application

This Ordinance shall apply to the incorporated territory of the Town of Pulaski, Virginia. It is the intent of this Ordinance that the extent of its applicability be automatically changed in accordance with the provisions hereof or provisions of State Law which may affect the applicability of this Ordinance.

### Section 1.3 Purpose

The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan, to promote, in accordance with present and future needs, the health, safety, and general welfare of the citizens of Pulaski, Virginia, and:

To facilitate 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;

To protect against destruction of, or encroachment upon, historic areas;

To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;

To encourage economic development activities that provide employment and enlarge the tax base.

To provide for the preservation of agriculture and forestal areas and other lands of significance for the protection of the natural environment.

To protect approach slopes.

To promote affordable housing.

To protect surface and ground water.

To recognize existing lot sizes and configurations, however it is the intent that no further subdivision of lands will create parcels of less than 4000 square feet in any district.

They have been made with reasonable consideration, among other things, for the existing use and character of property, the Comprehensive Plan, to the character of the district and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the incorporated territory of Pulaski, Virginia.

### Section 1.4 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

### **Section 1.5      Non-Exclusionary Intent**

It is not the intent of these regulations to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the Town of Pulaski; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Pulaski of economic, racial, religious, or ethnic groups.

## ARTICLE 2 DISTRICTS AND DISTRICT MAPS

### Section 2.1 Establishment of Districts

In order to regulate and restrict the location and use of buildings and land for trade, industry, residence, and other purposes in accordance with the objectives of the Comprehensive Plan; to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the size of yards and other open spaces and the density of population, the following zoning districts are hereby established:

- RR Rural Residential District
- R-1 Residential District
- R-2 Residential District
- R-3 Multi-Family Residential District
- PUD Planned Unit Development District
- MHP Mobile/Manufactured Home Park District
- RMH-1 Residential Mobile/Manufactured Home Subdivision District
- RO Residential Office District
- B-1 Local Business District
- B-2 General Business District
- B-3 Central Business District
- I-1 Industrial/ District
- I-2 Industrial District
- H Historic District
- FD Flood Overlay District

The purpose statements which accompany each district are intended to describe in a general way the character of uses to be encouraged in the district, to assist with selection of appropriate districts for application to various conditions of land use, existing or planned, and with interpretation of questions which may arise with respect to particular land uses in particular locations. In any case of difference between the purpose statement and the use regulations for the district the use regulations shall control.

### Section 2.2 Establishment of District Map

Such land and the district classification thereof, shall be as shown on the map or maps designated as the "Zoning District Map of Pulaski, Virginia," dated, and signed by the Mayor and attested by the Town Clerk, upon adoption. This Zoning District Map or maps, and all notations, dimensions, references, and symbols



shown thereon, pertaining to such districts shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Clerk of the Town of Pulaski. Said Map shall be available for public inspection in the office of the Town Clerk. Such map shall be marked "Original Copy not to be altered or removed from the Clerk's office except on Court Subpoena" provided however, that said map may be removed during normal office hours by the Administrator for the purpose of incorporating duly adopted revisions. This map together with subsequent applicable amendments shall be conclusive as to the current zoning status of land.

### **Section 2.3 Annual Revision of Zoning Map**

No later than March 31 of the year following adoption of this Ordinance, prints of the Zoning District Map, clearly showing the zoning district boundaries and zoning district names and designations for the incorporated area of Pulaski, shall be made available to the public. In each calendar year thereafter, if there have been any changes in the zoning district boundaries, special exceptions granted, zoning conditions or classifications in the preceding year, such map or affected sheet thereof shall be revised no later than March 31, reflecting all such changes as of December 31 of the preceding year.

### **Section 2.4 Information Copies of Zoning District Map**

Information copies of the Zoning District Map shall be made available for, inspection at the office of the Administrator and such other locations as may be necessary or convenient. These maps shall be revised as described above, to show changes in zoning district boundaries as officially approved.

Drafting errors or omissions may be corrected, but no changes in zoning district boundaries may be made except to show amendments properly adopted by the Town Council.

Any person desiring a copy of said Zoning Map shall pay a reasonable fee as established by the Administrator for each copy thereof, to the appropriate Town official.

### **Section 2.5 Periodic Review**

At least once every five years, the Planning Commission shall review the zoning regulations and the Zoning District Map to determine whether it is advisable to amend the regulations or the map, or both, to bring them in accord with the objectives of the Comprehensive Plan, and to take advantage of new techniques or to encourage best building practices which may have been developed and which may have application in the Town of Pulaski, to correct deficiencies or difficulties which may have developed in administration, or for such other reasons as the Commission may determine. The Commission and the Board shall submit reports on their findings to the Town Council. In the preparation of these reports the Commission and the Board of Zoning Appeals shall consult with officials in the Town responsible for the administration of this Ordinance and such other persons as they believe may contribute to the review.

### **Section 2.6 Interpretation of District Boundaries**

1. A district name, letter or letter-number combination shown on the district maps indicates that the regulations pertaining to the district designated by that name, letter or letter-number combination extend throughout the whole area in the town bounded by the district boundary lines within which

such name, letter or letter-number combination is shown or indicated, except as otherwise provided by this section.

2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules apply:
3. In cases where a boundary line is given a position within a road, street or alley, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the road, street, alley, or stream, and if the actual location of such road, street, alley, or stream varies slightly from the location as shown on the district map, then the actual location shall control.
4. In cases where a boundary line is shown as being located a specific distance from a road or street line or other physical feature, this distance shall control.
5. Where the district boundaries are shown on the Zoning District Maps to approximately coincide with lot lines or town limit line, the lot lines or town limit line shall be construed to be the district boundary line unless otherwise indicated.
6. In cases where district boundaries as shown on the Zoning District Maps do not coincide or approximately coincide with road or street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.
7. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, such property shall be classified RR Rural Residential District until changed by amendment.

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## ARTICLE 3. GENERAL PROVISIONS

### **Section 3.1 Conformance with Regulations Required**

No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with the regulations as set forth in this Ordinance.

### **Section 3.2 Location of a Lot Required**

Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

### **Section 3.3 Street Frontage Required**

No lot shall be used in whole or in part for dwelling purposes unless such lot abuts upon a street in accordance with the minimum street frontage requirements of this Ordinance. No lot or parcel of land abutting the terminus of a public street shall be deemed to comply with street frontage requirements unless such lot abuts on an approved permanent cul-de-sac.

### **Section 3.4 Encroachment; Reduction of Lot Area**

The minimum yards, height limits, parking space, open spaces, including lot area per family or dwelling unit, required by this Ordinance for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided, nor shall any lot area or lot dimensions be reduced below the requirements of these regulations.

### **Section 3.5 Accessory Buildings; Prior Construction and Use**

Except for buildings accessory to a farm, no accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building, on a farm or otherwise, shall be used for dwelling except in accord with the specific provisions of this Ordinance.

### **Section 3.6 Use of Certain Facilities for Dwelling Not Permitted**

Travel trailers, campers, motor homes, other recreation vehicles, tents, camp cabins and the like shall not be used for permanent or full-time dwellings in any district, whether or not connected to utilities, wells or septic systems except as permitted by the terms of this Ordinance.

### **Section 3.7 The Front of All Structures Must Face the Front of the Lot**

The front of all structures must face the front of the lot except on corner lots in a residential district, where a structure must face a street.

### **Section 3.8 Public Water and Sewer Lots**

**Sec. 3.9.1 Public Water/Sewer Facility Lots Defined**

Public water/sewer facility lots shall be deemed to refer to a tract or parcel of land upon which will be constructed facilities used to provide public water or sanitary sewer services. Such lots shall not include a commercial establishment open to the public nor shall such lots be used for residential purposes unless all other requirements of this ordinance are complied with.

**Sec. 3.9.2 Area Requirements for Public Water/Sewer Facility Lots**

The district lot size and frontage requirements set forth in Article 4 shall not apply to a public water/sewer facility lot as defined in Section 3.9.1. Setback and yard requirements shall apply to such lots.

**Section 3.10 Special Provisions for Corner Lots**

Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets except on corner lots in a residential district where a structure must face a street.

## ARTICLE 4. DISTRICT REGULATIONS

### Section 4.1 Rural Residential District (RR)

#### Sec. 4.1.1 Purpose

The purpose of this district is to provide for more spacious single-family residential areas and for areas that are semi-rural where agricultural uses are appropriate, although more intensive agricultural uses are permitted only by special exception. The district may also include hillside areas and forests where development will be slow and sparse. In order to maintain the character of the district, certain structures and uses may be permitted by special exception subject to all restrictions and requirements necessary to ensure compatibility with residential surroundings. Since this district may cover areas where urban services are not presently available, it may be anticipated that portions of this district will be changed to other districts as development progresses and utilities become available.

#### Sec. 4.1.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses.

##### SEC. 4.1.2-1 PERMITTED USES.

###### 1. Residential Uses.

- a. Single family dwellings, including a family and up to two (2) unrelated individuals per unit.
  - i. One principal dwelling per lot of record.
- b. Family day care homes {serving less than six (6) children or adults}.

###### 2. Agriculture Uses.

- a. General agriculture, farming and forestry, including tilling the soil, raising of crops, truck gardens, field crops, orchards or nurseries for growing or propagation and harvesting of plants, turf, trees and shrubs and in general uses commonly classified as general agriculture, including temporary open air stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises and which shall be removed in the off-season when not in use, but not including the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of less than ten (10) acres, and not including the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of less than two (2) acres and provided no retail or wholesale business office or store is permanently maintained on the premises, and not including those more intensive agricultural and confinement uses which are herein defined as special agriculture and which requires a special exception, and not including commercial slaughtering or processing of animals or poultry.
- b. Keeping of horses and ponies, or sheep for personal enjoyment and not as a business under the following conditions:
  - i. Required minimum acreage is as follows:
    - (a) Horses and ponies—one (1) horse or pony per one (1) acres.
    - (b) Sheep or Goats—three (3) sheep or goats per acre; one (1) acre for two (2) additional sheep.
    - (c) Keeping of horses and ponies, or sheep, but not both permitted.
  - ii. Any structure used to shelter grazing animals permitted under this ordinance shall be a minimum of one hundred (100) feet from the side and rear lot lines and the

primary residence on the property. No structure shall be placed past the front setback line or in the required front yard of a residence.

- iii. All acreage used for the care and confinement for grazing animals permitted under this ordinance shall be fenced with lawful fencing as defined in *Code of Virginia, 1950 as amended, §55-299* and in conformity with rulings on fencing issued by the *Virginia Board of Agriculture and Consumer Services*.

3. Civic and Miscellaneous Uses.

- a. Houses of Worship.

General standard:

- i. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
- b. Utility Service, Minor.
- c. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

SEC. 4.1.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Rural Residential (RR) District:

1. Residential Uses.

- a. Family day care homes {serving six (6) to twelve (12) children or adults}.

2. Agricultural Uses.

- a. Special agriculture consisting of those intensive agricultural operations commonly known as confinement operations where large numbers of animals or fowl are confined to a relatively small space including such operations as hog, veal and poultry pens or houses, feedlots for beef animals, hogs, sheep and other animals, and dairy farming operations.

3. Commercial and Civic Uses.

- a. Convalescent homes, nursing homes or assisted living facilities.
- b. Utility Service, Major.
- ~~c. Hospital or health center.~~ (removed by Ordinance 2024-09/ Adopted August 6, 2024)
- d. Schools.
- e. Public Service facility
- f. Public or private parks, recreation not including those which have been approved as a part of subdivision plan.
- g. Private club or lodges including recreational uses or facilities.

4. Miscellaneous Uses.

- a. Cemeteries.
- b. Columbarium.
- c. Towers more than 50 feet in height in accordance with Sec. 5.2 of these regulations.
- d. Stable for keeping of horses, ponies or other livestock as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side

or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises.

SEC. 4.1.2-3 ACCESSORY USES

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building, structure or use. Uses and structures which are in keeping with the character of the district.

1. Home occupations provided that a permit is obtained. This Ordinance uses a permit approach to regulate home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. The Administrator may request advice from the Planning Commission as appropriate.
2. Living quarters in the main structure for persons employed on the premises;
3. Recreational vehicles shall be stored away from public streets and are prohibited from occupancy;
4. Temporary buildings for uses incidental to construction work. Such buildings shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
5. Swimming pool associated with a private residence.
6. Except for buildings accessory to a farm, no accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
7. Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
  - a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
  - b. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as

defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.
- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- e. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- f. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- g. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

#### SEC. 4.1.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

#### **Sec. 4.1.3 Site Development Regulations.**

The following are general development standards for the Rural Residential District (RR).

1. Minimum Lot Requirements
  - a. Area: 21,500 sq. ft.
  - b. Frontage: 25 ft.
  - c. Lot Width: 150 ft.
  - d. Depth: 150 ft.
2. Minimum Setback Requirements
  - a. Principal Structure:



- i. Front: 35 ft.
    - ii. Side: 12 ft.
    - iii. Setbacks from all public streets: 35 ft.
    - iv. Rear: 25 ft.
  - b. Accessory Structures:
    - i. Minimum Distance from Principal Structure: 5 feet
    - ii. Maximum Height: 20 feet
    - iii. Minimum Side Setback: 5 feet
    - iv. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure
    - v. Side setback for corner lots shall meet the principal structure setbacks
    - vi. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building.
    - vii. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement.
3. Maximum Height of Structures.
- a. Principal Structures: 35 ft.
  - b. Accessory Structures: 20 ft.
4. Maximum Lot Coverage: 60%
5. Maximum Density: Two (2) units per acre

**Sec. 4.1.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

5. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
6. Landscaping. Development sites shall have a 10 foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.

Single family residential lots or development shall have a minimum of ten percent (10%) of the total lot or development area as greenspace or landscaped area.

7. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
8. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
9. All single-family (single lot) building permits shall be exempted from requirements of Section 4.1.4 except for item (3), (4), and (5).

## Section 4.2 Single Family Residential District (R-1)

### Sec. 4.2.1 Purpose

The purpose of this district is to provide for low-density single-family detached residential development which is characterized by large lots and open space, together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. This district is primarily designed to provide and encourage a safe and suitable environment for family life.

### Sec. 4.2.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses.

#### Sec. 4.2.2-1 Permitted Uses.

1. Residential Uses.
  - a. Single-family dwellings, including a family and up to two (2) unrelated individuals per unit.
    - i. One principal dwelling per lot of record
  - b. Family day care homes {serving less than six (6) children or adults}.
2. Commercial Uses
  - a. Bed and Breakfast
3. Civic and Miscellaneous Uses.
  - a. Houses of worship.

General standard:

    - i. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
  - b. Private and public parks, playgrounds, and recreation such as recreational buildings and grounds, tennis courts, swimming pools and other recreational activities.

General standard:

    - i. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.
  - c. Utility Services, Minor.
  - d. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

#### SEC. 4.2.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in Residential District (R-1).

1. Residential Uses.
  - a. Family day care homes {serving six (6) to twelve (12) children or adults}.
2. Commercial and Civic Uses.
  - a. Convalescent homes, nursing homes or assisted living facilities.
  - b. Utility Service, Major.

- c. ~~Hospital or health center.~~ (removed by Ordinance 2024-09/ Adopted August 6, 2024)
  - d. Schools.
  - e. Public Service facility.
  - f. Private clubs and lodges including recreational uses or facilities.
3. Miscellaneous Uses.
- a. Cemeteries.
  - b. Towers more than 50 feet in height in accordance with Sec. 5.2 of these regulations.
  - c. Columbarium.

SEC. 4.2.2-3 ACCESSORY USES

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use. Uses and structures which are in keeping with the character of the district.

- 1. Home occupations provided that a permit is obtained. This Ordinance uses a permit approach to regulate home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. The Administrator may request advice from the Planning Commission as appropriate.
- 2. Living quarters in the main structure of persons employed on the premises;
- 3. Recreational vehicles and trailers shall be stored away from public streets and are be prohibited from occupancy;
- 4. Temporary buildings for uses incidental to construction work, such buildings shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
- 5. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
- 6. Swimming pool associated with a private residence.
- 7. Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
  - a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
  - b. (For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.
- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- e. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- f. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- g. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

#### SEC. 4.2.2-4 PROHIBITED USES.

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

#### **Sec. 4.2.3 Site Development Regulations.**

The following are general development standards for the R-1 Single-Family Residential District.

- 1. Minimum Lot Requirements
  - e. Area: 10,000 sq. ft.
  - f. Frontage: 25 ft.

- g. Lot Width: 100 ft.
- h. Depth: 100 ft.
- 1. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 35 ft.
    - ii. Side: 12 ft.
    - iii. Setbacks from all public streets: 35 feet
    - iv. Rear: 25 ft.
  - b. Accessory Structures:
    - i. Minimum Distance from Principal Structure: 5 feet
    - ii. Minimum Side Setback: 5 feet
    - iii. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure
    - iv. Side setback for corner lots shall meet the principal structure setbacks
    - v. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building.
    - vi. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
- 2. Maximum Height of Structures.
  - c. Principal Structures: 35 ft.
  - d. Accessory Structures: 20 ft.
- 3. Maximum Lot Coverage: 30%
- 4. Maximum Density: Four (4) units per acre

**Sec. 4.2.4 General Requirements**

- 1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
- 2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 3. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.

4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
5. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
6. Landscaping. Development sites shall have a 10 foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.
7. Single family residential lots or development shall have a minimum of ten percent (10%) of the total lot or development area as greenspace or landscaped area.
8. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
10. All single-family (single lot) building permits shall be exempted from requirements of Section 4.2.4 except for item (3), (4) and (5).

## Section 4.3 Two-Family Residential District (R-2)

### Sec. 4.3.1 Purpose

The purpose of this district is to provide for medium density, single family residential use by stabilizing and encouraging residential neighborhoods, protecting the essential character of such neighborhoods as well as for those public and semi-public uses and accessory uses as may be necessary or are normally associated with residential surroundings

### Sec. 4.3.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses.

#### SEC. 4.3.2-1 PERMITTED USES.

1. Residential Uses.
  - a. Single-family dwellings, including a family and up to two (2) unrelated individuals per unit.
    - ii. One principal dwelling per lot of record.
  - b. Family day care homes {serving less than six (6) children or adults}.
  - c. Two-family dwellings, including a family and up to two (2) unrelated individuals per unit.
2. Civic and Miscellaneous Uses.
  - a. Houses of worship.

General standard:

    - i. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
  - b. Schools.
  - c. Private and public parks, playgrounds, and recreation such as recreational buildings and grounds, tennis courts, swimming pools and other recreational activities.

General standard:

    - i. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.
  - d. Utility Services, Minor.
  - e. Towers less than 50 feet in accordance with Sec. 5.8 of these regulations.

#### SEC. 4.3.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in General Residential District (R-2).

5. Residential Uses.
  - b. Family day care homes {serving six (6) to twelve (12) children or adults}.
6. Commercial and Civic Uses.
  - a. Bed and breakfast facility.
  - b. Convalescent homes, rest homes, nursing homes or assisted living facilities.



- c. Utility Service, Major.
- d. ~~Hospital or health center.~~ (removed by Ordinance 2024-09/ Adopted August 6, 2024)
- e. Schools, colleges, universities or pre-schools.
- f. Radio, communications, or television transmission or receiving tower more than 50 feet in height.
- g. Private clubs and lodges including recreational uses or facilities.
- h. Public Service facility.

7. Miscellaneous Uses.

- a. Cemeteries
- b. Columbarium.
- c. Towers more than 50 feet in height in accordance with Sec. 5.2 of these regulations.

SEC.4.3.4-2 ACCESSORY USES

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use. Uses and structures which are in keeping with the character of the district.

1. Home occupations provided that a permit is obtained. This Ordinance uses a permit approach to regulate home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. The Administrator may request advice from the Planning Commission as appropriate.
2. Living quarters in the main structure for persons employed on the premises;
3. Recreational vehicles and trailers shall be stored away from public streets and are prohibited from occupancy;
4. Satellite dish antenna not extending beyond the buildable area;
5. Temporary buildings for uses incidental to construction work. Such buildings shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
6. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
7. Swimming pool associated with a private residence.
8. Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
  - a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section.

Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

- b. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.
- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- e. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- f. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- g. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

SEC. 4.3.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.3.3 Site Development Regulations.**

The following are general development standards for the R-2 Two-Family Residential District.

1. Minimum Lot Requirements
  - a. Area: 10,000 sq. ft. for single family dwelling. A minimum lot area for two-family dwelling and other permitted uses shall be 12,500sq.ft., with each single dwelling unit having a minimum of at least 6,250 square feet.
  - b. Frontage: 25 ft.
  - c. Lot Width: 100 ft.
  - d. Depth: 100 ft.
2. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 35 ft.
    - ii. Side: 10 ft.
    - iii. Setbacks from all public streets: 35 feet
    - iv. Rear: 25 ft.
  - b. Accessory Structures:
    - i. Minimum Distance from Principal Structure: 5 feet
    - ii. Minimum Side Setback: 5 feet
    - iii. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure
    - iv. Side setbacks for corner lots shall meet the principal structure setbacks.
    - v. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building.
    - vi. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
3. Maximum Height of Structures.
  - a. Principal Structures: 35 ft.
  - b. Accessory Structures: 20 ft.
4. Maximum Lot Coverage: 30%
5. Maximum Density.
  - a. Single Family Dwelling Unit: Four (4) units per acre.
  - b. Two Family Dwelling Unit: Six (6) units per acre.

**Sec. 4.3.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
5. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
6. Landscaping. Development sites shall have a 10 foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.

Single family residential lots or development shall have a minimum of ten percent (10%) of the total lot or development area as greenspace or landscaped area.

7. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
8. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences or walls. Acceptable screening shall be approved by the zoning administrator.
9. All building permits for single-family and duplex on a single lot shall be exempted from requirement of Section 4.3.4 except for item (4), (5) and (6).

## Section 4.4 Multi-Family Residential District (R-3)

### Sec. 4.4.1 Purpose

The purpose of this district is to provide for medium density residential uses and multifamily residential uses. It is intended to accommodate a variety of housing types. To ensure maximum compatibility with adjacent low density neighborhoods, the developments within this district need to make careful considerations in their design.

### Sec. 4.4.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses

#### SEC. 4.4.2-1 PERMITTED USES.

1. Residential Uses.
  - a. Single-family dwellings, including a family and up to two (2) unrelated individuals per unit.
    - i. One principal dwelling per lot of record.
  - b. Two-family dwellings, including a family and up to two (2) unrelated individuals per unit.
  - c. Townhouses, including a family and up to two (2) unrelated individuals per unit.

#### General Standards.

Townhouse developments shall conform to the following regulations:

- i. There shall be at least four (4) but no more than ten (10) townhouse units continuously connected.
- ii. The minimum lot area for any townhouse unit shall be 2,250 square feet.
- iii. The minimum lot width for interior lots shall be twenty (20) feet; for corner lots, forty-five (45) feet; and for end lots within the interior of a block, thirty (30) feet.
- iv. The minimum gross floor area for townhouses shall be 900 square feet, exclusive of attics, garages, porches, decks, patios and basements more than fifty percent underground. The minimum patio size is 200 square feet.
- v. For every townhouse unit within a development, a minimum of two (2) parking spaces shall be provided; however, the parking spaces must be located within one hundred (100) feet of the townhouse unit.
- vi. The façade of townhouses in a group shall be varied by changed front yards or variations in materials or design. Units abutting each other should have a complementary, but not identical, façade or treatment of materials. No more than two abutting units shall have the same, or essentially the same, architectural treatment of facades and roof lines.
- vii. An approved homeowner's association shall be required of all townhouse developments, with membership consisting of all the individual dwelling unit owners of the townhouse development. The charter of the association shall be subject to the approval of the Association's Board.

- viii. The following setback and yards shall be kept:
  - (a) The front setback shall be a minimum of ~~twenty-five (25)~~ five (5) feet (adopted August 2, 2022/ Ordinance 2022-13); however, not more than two abutting units shall have the same front setback, with the setback variation to be a minimum of three (3) and not more than eight (8) feet. An entrance porch may extend five (5) feet from the front of the building into the front yard.
  - (b) The rear yard shall be a minimum of ~~thirty-five (35)~~ twenty-five (25) feet from the rear (adopted August 2, 2022/Ordinance 2022-13).
  - (c) The side yards shall be a minimum of twenty-five feet. The minimum distance between groupings of townhouse units shall be twenty (20) feet. All townhouse units other than end dwellings shall occupy the full width of the lot.
  - (d) Accessory buildings in Townhouse developments shall maintain a distance of ten (10) feet from the rear lot line; ten (10) feet from the side lot lines; and a forty (40) foot front setback.
- ix. Townhouse developments shall be designed and constructed to include fire wall resistance and shall conform to the Virginia Statewide Building Code as adopted and amended by The Town of Pulaski.
- d. Multi-family dwellings or apartments, including a family and up to two (2) unrelated individuals per unit.
- e. Family day care homes {serving less than six (6) children or adults}.
- f. Cluster Housing.
  - General Standards.
    - i. A cluster home development shall be a minimum of two (2) acres in area.
    - ii. There shall be at least three (3), but no more than eight (8), contiguous living units grouped together.
    - iii. There shall be no more than twelve (12) living units per acre.
    - iv. The gross floor area for living units shall not be less than 700 square feet nor greater than 1,800 square feet in area, exclusive of attics, garages, porches, decks, patios, and basements more than fifty (50) percent underground.
    - v. The maximum height of a cluster home group or an individual living unit shall not exceed thirty-five (35) feet.
    - vi. Cluster home groups and their individual living units shall be no more than a story and a half.
    - vii. Each individual living unit shall have individual water and sewer connections.
    - viii. Each individual living unit shall provide a driveway for ingress and egress to a public street or road right of way.
    - ix. Each individual living unit within a cluster home development, shall provide sufficient off-street parking. A minimum of two (2) parking spaces per living unit shall be required. Parking spaces shall be located in required driveways or parking areas and not on the common areas or public street or road right of ways. The parking

area for each living unit shall have a minimum width of 18 feet and minimum length

of 18 feet.

- x. The following setbacks shall be maintained:
  - (a) Cluster home groups shall be located no closer than twenty-five (25) feet from any public street or road right of way.
  - (b) Cluster home groups shall be located no closer than twenty-five (25) feet from the common property lines shared with adjacent properties immediately bordering the cluster home development.
  - (c) The minimum distance between groupings of cluster home units shall be ten (10) feet.
- xi. An approved homeowner's association shall be required of all cluster home developments, with membership consisting of all the individual living unit owners within the development. The charter of the association, which shall contain minimum property maintenance standards for individual living units, shall be subject to the association's board. Upkeep of all commonly held space shall be the responsibility of the homeowner's association.
- xii. Cluster home developments shall be designed and constructed to include firewall resistance, and shall conform to the Virginia Statewide Building Code, as adopted and amended by the Town of Pulaski.

2. Miscellaneous Uses

a. Houses of worship.

General standard:

- i. No recreational facility shall be located closer than fifty (50) feet from any residential lot.

b. Family care homes, foster homes or group homes.

c. Private and public parks, and other recreational activities such as tennis courts and swimming pools.

General standard:

- i. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.

d. Utility Services, Minor.

e. Therapeutic schools for minors, residential and non-residential.

f. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

g. Schools

SEC. 4.4.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Multifamily Residential district (R-3):

8. Residential Uses.

- a. Family day care homes {serving six (6) to twelve (12) children or adults}.



- b. Rooming and boarding houses.
9. Commercial and Civic Uses.
- a. Administrative Services
  - b. Bed and breakfast facility.
  - c. Convalescent homes, rest homes, nursing homes or assisted living facilities.
  - d. Cultural Services.
  - e. ~~Hospital or health center.~~ (removed by Ordinance 2024-09/ Adopted August 6, 2024)
  - f. Schools, colleges, universities or pre-schools, and daycare center (adopted December 20, 2022/ Ordinance 2022-20).
  - g. Professional and business offices.
  - h. Public Service Facility.
  - i. Private clubs and lodges including recreational uses or facilities.
  - j. Guest houses, accessory storage, accessory off-street parking and loading spaces, and accessory signs.
  - k. Keeping and boarding of horse, by therapeutic schools for minors, residential and non-residential, for use in therapeutic programs.
10. Miscellaneous Uses.
- a. Cemeteries.
  - b. Columbarium.
  - c. Towers with more than 50 feet in height in accordance with Sec. 5.2 of these regulations.

SEC. 4.4.2-3 ACCESSORY USES

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building, structure or use. Uses and structures which are in keeping with the character of the district.

1. Home occupations provided that a permit is obtained. This Ordinance uses a permit approach to regulate home occupations. The use of permits is to ensure compatibility of home occupations with surrounding residential uses. The Administrator may request advice from the Planning Commission as appropriate.
2. Living quarters in the main structure for persons employed on the premises;
3. Recreational vehicles and trailers shall be stored away from public streets and are prohibited from occupancy;
4. Temporary buildings for uses incidental to construction work. Such buildings shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
5. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
6. Swimming pool associated with a private residence.

7. Temporary family health care structures as set forth in Code of Virginia 15.22292.1 as follows:

- a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

b. For purposes of this section

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.
- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- e. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- f. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

- g. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

SEC. 4.4.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.4.3 Site Development Regulations**

The following are general development standards for the R-3 Multifamily Residential District.

1. Minimum Lot Requirements
  - a. Area: 10,000 sq. ft. for single family dwelling. A minimum lot area for two- family dwelling and other permitted uses shall be 12,500sq.ft. The minimum area for multifamily shall be 15,625 sq. ft.
  - b. Frontage: 50 ft.
  - c. Lot Width: 50 ft.
  - d. Depth: 80 ft.
2. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 25 ft.
    - ii. Side: 5 ft., plus one (1) foot for each foot of building height over thirty-five (35) feet
    - iii. Setbacks from all public streets: 25 feet
    - iv. Rear: 25 ft.
  - b. Accessory Structures:
    - i. Minimum Side Setback: 5 feet
    - ii. Rear setback: 5 feet
    - iii. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure
    - iv. Side setback for corner lots shall meet the principal structure setbacks
    - v. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building.
    - vi. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
3. Maximum Height of Structures.
  - e. Principal Structures: 35 ft.

The height limit for dwellings may be increased up to 48 feet and up to three stories provided additional side and side corner setbacks are provided as specified above in {2(ii) and (iii)} respectively.
  - f. Accessory Structures: 20 ft.
5. Maximum Lot Coverage: 60%

6. Maximum Density.
  - a. Single Family Dwelling Unit: Four (4) units per acre.
  - b. Two Family Dwelling Unit: Six (6) units per acre.
  - c. Multi- Family Dwelling Unit: Nine (9) units per acre.

**Sec.4.4.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
5. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
6. Landscaping. Development sites shall have a 10 foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.

Single family residential lots or development shall have a minimum of ten percent (10%) of the total lot or development area as greenspace or landscaped area.

7. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
8. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.

9. All building permits for single-family and duplex on a single lot shall be exempted from requirement of Section 4.3.4 except for item (4), (5) and (6).

## Section 4.5 Planned Unit Development District (PUD)

### Sec.4.5.1 Purpose

The purpose of the Planned Development District (PUD) is to provide for larger scaled developments, development on difficult sites to promote efficient use of the land, clustering of residential dwelling units, to provide for neighborhoods with a variety of housing types and densities, and amenities such as neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, mixture of uses where necessary to provide local employment opportunities.

The (PUD) Planned Development District may be an assigned classification or considered a "floating" zone and classification of a piece of property as (PUD) is achieved through the zoning amendment process. This zoning designation is permitted within the Special Residential/PUD land use category to be in conformity with the comprehensive plan. Also, the (PUD) zoning classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

### Sec.4.5.2 Permitted Uses, Accessory Uses and Prohibited Uses

All uses within the proposed Planned developments must be specified in the application. The development plan shall require approval from the Pulaski Town Council. The application shall be reviewed and hearing thereon, in accordance with Article 7 and must find as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski. The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer. Conventional zoning lot restrictions in this district are waived in favor of the detailed site plan and dedication of common open space.

#### SEC. 4.5.2-1 PERMITTED USES BY APPROVAL.

3. Residential Uses.
  - a. Single Family including a family and up to two unrelated individuals per unit.
  - b. Two-family dwellings, detached or semi-detached and up to two unrelated individuals per unit.
  - c. Attached single-family dwellings (Townhouses or duplexes) and up to two unrelated individuals per unit.
  - d. Multiple-family dwellings or apartments and up to two unrelated individuals per unit.
  - e. Family day care homes.
4. Commercial and Civic Uses.
  - a. Administrative Services.
  - b. Artisan Studio.
  - c. Art Galleries.
  - d. Bakeries.

- e. Bed and breakfast facility.
- f. Bicycle sales and repair shops.
- g. Business Support Services.
- h. Catering or delicatessen business.
- i. Cemeteries.
- j. Columbarium.
- k. Convalescent homes, rest homes, nursing homes or assisted living facilities.
- l. Cultural Services
- m. Financial Institutions.
- n. General Offices.
- o. Hotels
- p. Laundries, laundromats or dry-cleaning establishments.
- q. Medical offices.
- r. Mixed Use Buildings
- s. Movie Theatres
- t. Museums.
- u. Nurseries for growing plants, trees and shrubs.
- v. Personal Services.
- w. Professional and business offices.
- x. Private and public parks, and other recreational activities such as tennis courts and swimming pools.

General standard:

- i. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.
  - y. Rentals of household items, tools and appliances.
  - z. Retail sales and services.
  - aa. Restaurants.
  - bb. Safety Services
  - cc. Schools
  - dd. Seasonal Sales.
  - ee. Athletic fields.
  - ff. Utility Services, Minor.
1. Miscellaneous Uses.
- a. Adult Daycare.
  - b. Daycare Centers.

General standards:

- i. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
  - ii. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
  - iii. New entrances are required to comply with Virginia Department of Transportation's Access Management Standards.
  - iv. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
  - v. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.  
  
All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
  - vi. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.
- c. Funeral homes and/or crematories.
  - d. Houses of Worship.
  - e. Parking facility surface and/or structure.
  - f. Private storage buildings larger than 300 square feet.
  - g. Public Service Facility.
  - h. Utility, Minor.
  - i. Utility, Major.
  - j. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.

SEC.4.5.2-3 ACCESSORY USES

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building, structure or use. Uses and structures which are in keeping with the character of the district.

1. Swimming Pool associated with a private residence or multi-family development.
2. Private storage building smaller than 300 square feet.
3. Recreational vehicles and trailers shall be stored away from public streets and behind required setback line and are prohibited from occupancy.



4. Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work and shall not remain in the property for more than two (2) years.
5. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
6. Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
  - a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
  - b. For purposes of this section:

"Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

"Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.

- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
- e. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- f. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- g. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

**SEC. 4.5.2-4 PROHIBITED USES**

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec.4.5.3 Qualifying Requirements**

A tract or parcel of land may be considered for PUD, Planned Unit Development District Zoning only if it meets the following conditions:

- 1. **Ownership Requirements.** The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved.
- 2. The minimum land area shall be two (2) acres of total contiguous lands.
- 3. **Availability of Public Utilities.** The project area must be located where public water and sewer systems are already available or where a community water and sewer systems can be developed as part of the project.
- 4. **Land Suitability.** Rezoning land to R-4 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, non-conformity to Town development plans, or other public health, welfare or safety objectives.

**Sec. 4.5.4 Site Design Requirements**

The following are the site design requirements for the Planned Unit Development District:

- 1. **Maximum Density.** The gross residential density shall not exceed an average of 10.5 dwelling units per acre.
- 2. **Minimum Requirements.**
  - a. **Perimeter Area:** 2 acres of total contiguous lands.
  - b. **Frontage:** 50 ft.

- c. Perimeter Lot Width: 150 ft.
  - d. Perimeter Depth: 150 ft.
  - e. Minimum Perimeter Setback: 50 ft.
3. Maximum Height of Principal Structures: 35 feet.
4. Maximum Height for accessory structure: 20 feet.
5. Maximum Lot coverage for entire development should not exceed 70%.
6. Minimum Living areas:
  - a. Single family – nine hundred (900) square feet.
  - b. Townhomes- eight hundred (800) square feet.
  - c. Condominiums- eight hundred (800) square feet.
  - d. Multi-family apartments- six hundred (600) square feet.
7. Maximum Height for accessory structure: 20 feet.
8. Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas.
9. Open space must be at least 50 percent usable for recreation. This requirement shall be applicable only to multifamily & single family attached (townhouse) development.
10. In addition to the principal residential uses, commercial or non-commercial service uses listed in Section 4.5.2-1 and Section 4.6.2-2 may be permitted provided:
  - a. Such uses are intended primarily to serve the needs of the project area residents.
  - b. Such uses are designed and located for the convenience of project area residents and to protect the character of the district.
  - c. All subsequent changes in use shall be approved by the Planning Commission or its agent.
  - d. The maximum area for commercial uses shall not exceed more than ten twenty (20) percent of the total project area; and
  - e. Construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development have been completed.
11. Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.
12. Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, preserve existing ridge lines and water courses, be properly related to topography, and provide convenient and safe access. Lot design will reflect the following priorities:
  - a. Retention of prime agricultural soils.
  - b. Minimize impact on adjacent parcels with active agricultural operations.

- c. Provide locations of structures which least likely block scenic vistas.
  - d. Maximize benefits of solar energy (passive and active technology).
  - e. All lots shall have access to a public or private street.
13. Development Plan. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping and shall be designed to maximize the use and/or enjoyment of natural amenities by project residents.
14. Street Design. The street system within the project area shall be designed:
- a. According to functional street purposes and projected traffic flow.
  - b. To discourage through traffic.
  - c. To assure safe and convenient sight distances.
  - d. To complement the natural topography.
  - e. In coordination with existing and planned streets.
  - f. To be constructed in accordance with the current applicable Virginia Department of Transportation Subdivision Street Requirements.
15. Street Names and Signs. The name of proposed streets shall be approved by the E-911 Coordinator and not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections.
16. Street Lighting. Street lighting shall be provided in the development.
17. Pedestrian Circulation. Provision may be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems.
18. Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit; Multifamily with more than four dwelling units per structure may have 1.5 spaces per dwelling units plus one additional space for every four dwelling units. For non-residential uses the off street parking shall comply with requirements provided in **Section 5.3**.
19. Water and Sewer. All planned Residential Districts shall be served by public water and sewer
20. Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the Town Comprehensive Plan.
21. Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection.
22. Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverse the project

area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the development.; All new development must also comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.

23. Flood ways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other as may increase danger of health, life, property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare.
24. Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities, all of which shall be underground, and as required by the respective utility departments, agencies or companies.
25. 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.
26. Maintenance of Common Property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties. Preservation of open space shall be assured by dedication to a public agency or private foundation, or an alternative mechanism that insures management in perpetuity by a responsible and accountable party. The mechanism must be approved by the Planning Commission.
27. Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

#### **Sec. 4.5.5 Data to Accompany Application**

With the Planned Development District, there shall be submitted a tentative, overall development plan which shall include:

1. Mapping of the project at an accurate scale for the proposed development plan:
  - a. Proposed land uses including residential types, commercial types, recreation and any other proposed use;
  - b. Proposed street system including public and private right-of-ways.
  - c. Proposed parking areas and parking space delineations.
  - d. Proposed plat showing subdivision lot lines.
  - e. Proposed utility rights-of-way or easements including water, sewer, gas, power, and telecommunications.
  - f. Proposed stormwater management plan.
  - g. Proposed location of buildings, structures, and improvements.
  - h. Property lines of proposed common property.
  - i. Proposed pedestrian circulation system.
  - j. Proposed landscaping plan and proposed treatment of the project perimeter such as screening.

- k. Relationships and tie-ins to adjacent property.
  2. Supporting documentation to include the following minimum data:
    - a. A legal description of the project boundaries.
    - b. A statement of existing and proposed property owners.
    - c. Names and addresses of all adjacent property owners.
    - d. A statement of project development objectives and character to be achieved.
    - e. An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate.
    - f. A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.
    - g. 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.
    - h. Proposed building types including architectural style, height, and floor area.
    - i. Approvals from the Pulaski County Health Officer if the septic tank is used.
    - j. Proposed agreements, contracts, provisions, covenants, or conservation easements which govern the use, maintenance, and continued protection of property to be held in common ownership or conveyed to a qualified non-profit conservation organization or state land conservation agency.
    - k. A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
3. Application. Ten copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses.
4. Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Pulaski a check in the amount as established by the Town Council.
5. Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development.
6. Review and Approval of Planned Development Plans. The review and approval of a developer's plan for a development under the Planned Development District zone shall follow the following steps:
  - a. Concept Plans. The applicant shall confer the zoning administrator or his designee to discuss the appropriateness of the cluster proposal and whether land should be dedicated to public use or reserved in common. The applicant shall then confer with the planning commission to discuss the appropriateness of the plan. The planning

commission shall either approve, approve with conditions, or deny the proposed plan and open space provisions.

- b. Town Council's Approval of Dedicated Open Space. Where it is determined by the planning commission that areas are suitable of dedication to public use, but such areas are not contained in the comprehensive plan, then the Town Council shall review and approve such proposed conveyance.
- c. Preliminary Plat. Following the endorsement of the concept plan by the planning commission and, where necessary, approval of a conveyance by the Town Council, the applicant shall submit a preliminary plan under the requirements of the (subdivision application) subdivision ordinance. The requirements for a planned development plan shall be the same as for a conventional subdivision except that plans may be prepared showing five-foot contour intervals and will include the location and plan for all open spaces.
- d. Final Plat. The requirements for the submission and approval of final plat shall be the same as in the subdivision ordinance.

7. Preliminary Plat Approval.

- a. Within sixty (60) days after the filing of the development plan, the Planning Commission shall report to Town Council one of the following:
  - i. Recommend approval of the plan as presented, or
  - ii. Recommend approval of the plan as revised by concurrence of the
  - iii. Planning Commission and the developer, or
  - iv. Recommend disapproval;
- b. The Town Council shall give notice under Section 15.2-2204 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications.
- c. If the preliminary development plan is approved, or approved with modifications by the Town Council, the Zoning Map shall be amended to show the Planned Unit Development (PUD). If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.

**Sec. 4.5.6 Status of Approval**

No building permits shall be issued within the project area until the final development plan has been approved by the Town.

## **Section 4.7 Mobile/Manufactured Home Park District (MHP)**

### **Section 4.6.1 Purpose**

The purpose of the Mobile/Manufactured Home Park District (MHP) is to allow suitable development of mobile/manufactured homes in a park like setting. Development of such housing communities shall be located, designed and improved to provide desirable residential living environment and to provide easy traffic circulation.

The MHP District is considered a "floating" zone. Classification of a piece of property as MHP is achieved through the zoning amendment process. This zoning designation may only be considered for a tract or parcel of land if the design meets the requirements of this section and the proposed use is compatible with adjacent land uses.

### **Sec. 4.6.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses**

#### Sec. 4.6.2-1 Permitted Uses

1. Residential Uses
  - a. Mobile/Manufactured home parks
  - b. Family day care homes
2. Commercial and Civic Uses
  - a. Permanent buildings associated with mobile/manufactured home parks such as management offices, maintenance facilities, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:
    - i. Parking requirements for such facilities are met.
    - ii. Such uses are subordinate to the residential use and character of the park.
    - iii. A minimum of 50% open space is maintained.
  - b. Public and private parks.
3. Miscellaneous Uses
  - a. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

#### SEC. 4.6.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Mobile/Manufactured Home Park District MHP zoning district:

1. Day Care Centers

General standards:

  - a. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
  - b. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.



- c. New entrances are required to comply with Virginia Department of Transportation's Access Management Standards
- d. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
- e. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.
- f. All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
- g. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.

2. Private Club

3. Travel Trailer Park

General Standards

- a. Minimum Lot size: 5 acres
  - b. Maximum density: 12 travel trailers
  - c. Each individual travel trailer space or site shall contain two thousand five hundred (2,500) square feet in area.
4. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.

SEC.4.6.2-3 ACCESSORY USES

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

1. Temporary buildings for uses incidental to construction work, such buildings, shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
2. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
3. Swimming Pool associated with the development.
4. Private storage buildings of less than 300 square feet.

SEC.4.6.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec.4.6.3 Site Design Requirements**

The following are the site design requirements for mobile/ manufactured home park within the MHP District:

1. Mobile/Manufactured home park shall conform to the requirements of the Town of Pulaski

Subdivision Ordinance.

2. The orientation of a mobile/manufactured home on a lot in a mobile/manufactured park shall have the side of the mobile/manufactured home with the longest dimension parallel to the street.
3. Minimum Requirements.
  - e. Perimeter Area: 2 acres.
  - f. Frontage: 50 ft.
  - g. Perimeter Lot Width: 150 ft.
  - h. Perimeter Lot Depth: 250 ft.
4. Minimum Park Setback Requirements.
  - a. Mobile/Manufactured Home Park setback: 50 feet from a public street or road
  - b. Front: 35 feet.
  - c. Side: 25 feet.
  - d. Rear: 25 feet.
5. Individual Lot
  - a. Area: 4,680 square feet. The lot is required to front on an existing road, street, or internal street.
  - b. Lot Width: 40 ft.
  - c. Lot Depth: 117 ft.
  - d. Principal Structure Minimum Setback Requirements.
    - i. Front and/or right-of-way of internal streets: 15 feet.
    - ii. Side: 10 feet.
    - iii. Rear: 10 feet.
6. Accessory Structures:

All mobile/manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

  - a. All mobile/manufactured home accessory structures must meet the plumbing, electrical, construction and other applicable requirements of the Uniform Statewide Building Code;
  - b. Except in the case of an awning, ramada, or other shade structure, where a mobile/manufactured home accessory structure is attached to a mobile/manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the mobile/manufactured home unit, or such accessory structure shall be attached to the mobile home unit in a substantial manner by means of a roof. All mobile/manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile/manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a mobile/manufactured home;

- c. No mobile/manufactured home accessory structures, except ramadas, shall exceed the height of the mobile home;
  - d. No mobile/manufactured home accessory structure shall be erected or constructed on any mobile/manufactured home lot or stand except as an accessory to a mobile/manufactured home.
  - e. The rear yard of each mobile/manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of mobile/manufactured home accessory structures.
  - f. For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile/manufactured home accessory structures.
  - g. Minimum Distance from Principal Structure: 20 feet
  - h. Minimum Side Setback: 20 feet
  - i. Minimum Rear Setback: 20 feet
  - j. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure.
7. Maximum Height of Structures.
- Maximum Height of Structures.
- a. Principal Structure: 25feet.
  - b. Accessory structure: 15 feet or shall not exceed the height of the manufactured home, whichever is more restrictive.
8. Maximum Lot Coverage: 40%
9. Maximum Density. The gross residential density shall not exceed an average of eight (8) dwelling units per acre.

**Sec. 4.6.4 General Requirements for All Mobile/Manufactured Homes**

- 1. Any mobile/manufactured homes placed in The Town of Pulaski after the date of enactment or amendment of this Ordinance, shall meet the following requirements:
- 2. All mobile/manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all mobile/manufactured homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia and all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974;
- 3. All mobile/manufactured homes shall be completely skirted within sixty days; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials provided for in the Uniform Statewide Building Code;
- 4. All mobile/manufactured homes shall be supplied with approved water and wastewater disposal;
- 5. All mobile/manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 vehicle spaces (each space containing a minimum of 200 square feet/ 162 square feet) for each mobile/manufactured home. Each off-street parking area shall have unobstructed access to either a public or private street.

**Sec. 4.6.5 General Requirements for Mobile/Manufactured Home Parks**

1. The location of a mobile/manufactured home park shall require a Certificate of Zoning Compliance issued by the Zoning Administrator.
2. Operators of mobile/manufactured home parks shall conform to the Uniform Statewide Building Code. The placement of individual mobile/manufactured homes shall require the issuance of a building permit.
3. All mobile/manufactured home parks for which permits are granted under this section will be subject to periodic inspection. Upon any infraction by the park the permit may be revoked by The Town of Pulaski.

**Sec. 4.6.6 Application for Mobile/Manufactured Home Parks**

All applicants shall submit two copies of a site plan showing the following:

1. A vicinity map showing the location and area of the proposed park;
2. The boundary lines, area, and dimensions of the proposed park, with the locations of property line monuments shown;
3. The names of all adjoining property owners, the location of each of their common boundaries, and the approximate area of each of their properties;
4. The location and dimensions of all existing streets and street right-of-way, easements, water, sewage and drainage facilities and other community facilities and utilities on and adjacent to the proposed park;
5. The proposed layout, including internal streets with dimensions and such typical street cross sections and center line profiles as may be required in evaluating the street layout, water, sewer, drainage and utility lines, facilities and connections, with dimensions shown; location and dimensions of all mobile/manufactured homes standard parking spaces , management facilities, laundry facilities, recreation buildings and other permanent structures; location and nature of firefighting facilities, including hydrants; and location and dimensions of landscaping amenities, including street lights, sidewalks, planted areas, fencing and screening, and natural features to be retained.

**Sec. 4.6.8 General Requirements**

1. Any mobile/manufactured homes placed in The Town of Pulaski after the date of enactment or amendment of this Ordinance, shall meet the following requirements:
  - a. All mobile/manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all mobile homes shall display the seal of a testing laboratory approved by the Commonwealth of Virginia.
  - b. All mobile/manufactured homes shall be completely skirted within sixty days; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials provided for in the Uniform Statewide Building Code;
  - c. All mobile/manufactured homes shall be supplied with approved water and wastewater disposal;
  - d. All mobile/manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 vehicle spaces (each space containing a minimum of 200 square feet) for each mobile/manufactured home. Each off-street parking area shall have unobstructed access to either a public or private street.

2. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
3. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Chapter 38, Article IV-Stormwater Management of the Code of Ordinances.
5. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
6. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
7. Landscaping. Development sites shall have a 10 foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.
8. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
10. Sanitation Facilities. It shall be the responsibility of the manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. In the areas where the Public Service Authority (PSA) provides refuse collection service and the owner desires to utilize the same, the PSA will require and must approve a centralized collection arrangement to facilitate collection for the manufactured home. PSA refuse trucks will not travel on internal streets.
11. Electrical Connections. Each manufactured home shall be provided with electrical outlets installed in accordance with the Uniform Statewide Building Code.
12. Internal Streets. An internal street shall be an all-weather surface roadway which is twenty-two (22) feet wide and established within a right-of-way thirty-six (36) forty (40) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn-around having a 30' inside radius. These streets shall be maintained solely at the owner's expense, and will not be accepted by The Town of Pulaski as public streets

## **Section 4.6 Residential Mobile/Manufactured Home Subdivision District (RMH-1)**

### **Section 4.6.1 Purpose**

The purpose of the Residential Mobile/Manufactured Home Subdivision District (RMH-1) is to allow suitable residential development of mobile/manufactured home subdivisions.

The RMH-1 District is considered a "floating" zone. Classification of a piece of property as RMH-1 is achieved through the zoning amendment process. This zoning designation may only be considered for a tract or parcel of land if the design meets the requirements of this section and the proposed use is compatible with adjacent land uses.

### **Sec.4.6.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses**

#### **SEC. 4.6.2-1 PERMITTED USES**

4. Residential Uses
  - c. Residential Mobile/Manufactured Home subdivisions.
  - d. Residential Mobile/manufactured housing dwelling units.
  - e. Family day care homes.
5. Commercial and Civic Uses
  - a. Public and private parks
6. Miscellaneous Uses.
  - a. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations

#### **SEC. 4.6.2-2 SPECIAL EXCEPTIONS**

The following uses, subject to or limited by conditions, may be permitted by special exception in the Residential Mobile/Manufactured Home RMH-1 zoning district:

1. Commercial and Civic Uses
  - k. Administrative Services
  - l. Artisan Studio
  - m. Bakeries.
  - n. Bed and breakfast facility.
  - o. Bicycle sales and repair shops.
  - p. Catering or delicatessen business.
  - q. Financial Institutions.
  - r. Houses of Worship

General standard:

- ii. No recreational facility shall be located closer than fifty (50) feet from ~~ay~~ residential lot.
- s. Medical offices.
- t. Personal Services.
- u. Private club, uses that operate for the benefit of members and not as a business entity.
- v. Public Parks and recreation.
- w. Day Care Centers

General standards:

- i. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
  - ii. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
  - iii. New entrances are required to comply with Virginia Department of Transportation's Access Management Standards
  - iv. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
  - v. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.
  - vi. All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
  - vii. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.
- x. Towers more than 50 feet in accordance with Sec. 5.8 of these regulations.

SEC. 4.6.2-3 ACCESSORY USES

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:

1. Temporary buildings for uses incidental to construction work. Such buildings, shall be removed shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment of the construction work and shall not remain in the property for more than two (2) years.
2. No accessory building shall be constructed upon a lot for more than six months prior to

beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling

3. Swimming Pool associated with the development.
4. Private storage buildings of less than 300 square feet.

**SEC. 4.6.2-4 PROHIBITED USES**

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.6.3 Site Design Requirements**

The following are the site design requirements for mobile/manufactured home subdivision within the RMH-1 District:

1. Residential mobile/manufactured home subdivisions shall conform to the requirements of the Town of Pulaski Subdivision Ordinance.
2. The orientation of a mobile/manufactured home on a lot in a residential manufactured home subdivision shall have the side of the manufactured home with the longest dimension parallel to the street.
3. Minimum Requirements.
  - a. Perimeter Area: 43,560 square feet.
  - b. Frontage: 50 ft.
  - c. Perimeter Lot Width: 150 ft.
  - d. Perimeter Lot Depth: 250 ft.
  - e. Individual Lot
    - i. Lot Width: 60 ft.
    - ii. Lot Depth: 120 ft.
4. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 35 feet.
    - i. Side: 10 feet.
    - ii. Setbacks from all public street: 35 feet
    - iii. Rear: 35 feet.

b. Accessory Structures:

All mobile/manufactured home accessory structures erected or constructed after the date of enactment or amendment of this Ordinance must meet the following requirements:

- i. All mobile/manufactured home accessory structures must meet the plumbing, electrical, construction and other applicable requirements of the Uniform Statewide Building Code;



- ii. Except in the case of an awning, ramada, or other shade structure, where a mobile/manufactured home accessory structure is attached to a manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the mobile/manufactured home unit, or such accessory structure shall be attached to the mobile/manufactured home unit in a substantial manner by means of a roof. All mobile/manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile/manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a manufactured home;
  - iii. No mobile/manufactured home accessory structures, except ramadas, shall exceed the height of the manufactured home;
  - iv. No mobile/manufactured home accessory structure shall be erected or constructed on any manufactured home lot or stand except as an accessory to a manufactured home.
  - v. The rear yard of each mobile/manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of manufactured home accessory structures.
  - vi. For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile/manufactured home accessory structures.
  - vii. Minimum Distance from Principal Structure: Detached manufactured home accessory structure, except ramadas, shall be at least twenty (20) feet from the mobile/manufactured home
  - viii. Minimum Side Setback: 20 feet
  - ix. Minimum Rear Setback: 20 feet
  - x. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure.
  - xi. Accessory structures shall not be located in the front yard setback or in front of the front wall of the principal building
  - xii. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
5. Maximum Height of Structures.
    - a. Principal Structure: 35 feet.
    - b. Accessory Structure: 15 feet or shall not exceed the height of the manufactured home, whichever is more restrictive.
  6. Maximum Lot Coverage: 40%
  7. Maximum Density: Six (6) dwelling units per acre.

#### **Sec. 4.6.8 General Requirements**

1. Any manufactured homes placed in The Town of Pulaski after the date of enactment or amendment of this Ordinance, shall meet the following requirements:

- e. All mobile/manufactured homes shall meet the plumbing, electrical wiring and connection, construction, blocking, footing, and anchoring requirements as are applicable, in the Uniform Statewide Building Code. Furthermore, all manufactured homes shall display a certification label as required by the National Manufactured Housing Construction and Safety Standards Act of 1974;
  - f. All mobile/manufactured homes shall be completely skirted within sixty days; such that no part of the undercarriage shall be visible to the casual observer, in accordance with methods and materials provided for in the Uniform Statewide Building Code;
  - g. All mobile/manufactured homes shall be supplied with approved water and wastewater disposal;
  - h. All mobile/manufactured homes shall provide off-street parking for the use of the occupants at the minimum ratio of 2.0 vehicle spaces (each space containing a minimum of 200 square feet) for each manufactured home. Each off-street parking area shall have unobstructed access to either a public or private street.
2. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
  3. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
  4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
  5. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
  6. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
  7. Landscaping. Development sites shall have a 10-foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.
  8. Lighting Requirements:
    - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
    - b. No freestanding light fixture shall be higher than 40 feet.
    - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
  9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences or walls. Acceptable screening shall be approved by the zoning administrator.
  10. Sanitation Facilities. It shall be the responsibility of the manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. In the areas where the Public Service

Authority (PSA) provides refuse collection service and the owner desires to utilize the same, the PSA will require and must approve a centralized collection arrangement to facilitate collection for the manufactured home. PSA refuse trucks will not travel on internal streets.

11. Electrical Connections. Each manufactured home shall be provided with electrical outlets installed in accordance with the Uniform Statewide Building Code.
12. Internal Streets. An internal street shall be an all-weather surface roadway which is twenty-two (22) feet wide and established within a right-of-way forty (40) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn-around having a 30' inside radius. These streets shall be maintained solely at the owner's expense, and will not be accepted by The Town of Pulaski as public streets.

## Section 4.7 Residential Office District (RO)

### Sec. 4.7.1 Purpose

The purpose of this district is to provide for office buildings in attractive surroundings where such types of uses and signs are generally compatible with medium density or low-density residential neighborhoods. The district can be applied to large or small areas if development standards are complied with. Height of office buildings is limited to three stories or to two stories in proximity to a low-density residential district and permitted ground coverage is low to further enhance residential compatibility. Medium density residential uses are permitted as alternatives to office use.

### Sec. 4.7.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses

#### SEC. 4.7.2-1 PERMITTED USES

A building or land shall be used only for the following purposes:

1. Residential Uses.
  - a. Single-family dwellings, including a family and two unrelated individuals per unit.
    - i. One principal dwelling per lot of record.
  - b. Two-family dwellings, detached or semi-detached, including a family and two unrelated individuals per unit.
  - c. Attached single-family dwellings (Townhouses), including a family and two unrelated individuals per unit.
  - d. Multiple-family dwellings or apartments, including a family and two unrelated individuals per unit.
  - e. Family day care homes (serving less than six children or adults).
2. Commercial and Misc. Uses.
  - a. Artisan Studio.
  - b. Art Galleries.
  - c. Employment service or agency.
  - d. General Office.
  - e. Professional office and services, personal services.
  - f. Financial institution
  - g. Funeral home or undertaking establishment provided all hearses, or other special vehicles are parked or stored inside a completely enclosed building.
  - h. Medical offices.
  - i. Public Parks and recreation.
  - j. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations

#### SEC. 4.8.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Residential Office district (RO):

1. Commercial and Misc. Uses
  - a. Administrative Services.
  - b. Animal hospitals or veterinary clinics, provided all activities are contained within an enclosed building.
  - c. Bakeries.
  - d. Bed and Breakfast
  - e. Bicycle sales and repair shops.
  - f. Business Support Services.
  - g. Catering or delicatessen business.
  - h. Daycare Centers. When considering an application for day care centers as a special exception the following conditions must be considered in addition to those required under Section 702.4-5 of the zoning regulations:
    - vii. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
    - viii. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
    - ix. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
    - x. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.
    - xi. All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
  - i. Houses of Worship.
  - j. Laundries, laundromats or dry-cleaning establishments.
  - k. Mixed Use Buildings: Lodging facility and multifamily dwellings as part of the mixed-use development. Dwelling units are prohibited on the ground floor.
  - l. Museums.
  - m. Pet shops or animal grooming services, provided all activities are contained within an enclosed building
  - n. Restaurants with drive-through services and/or outdoor seating.
  - o. Schools
  - p. Columbarium.

- q. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.

**SEC. 4.7.2-3 ACCESSORY USES**

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use. Uses and structures which are in keeping with the character of the district.

1. Living quarters in main structure of persons employed on the premises.
2. Temporary buildings are for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work however, not to exceed a two (2) year maximum.
3. Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof.
4. Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no public exterior entrances or exits or signs.
5. Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations and provided such storage area does not exceed 10 percent of the total floor area of the building.
6. Swimming Pool associated with the development.
7. Private storage buildings.
8. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
9. Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
  - a. Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
  - b. For purposes of this section:
    - "Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
    - "Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as

defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.

"Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ [36-70](#) et seq.) and the Uniform Statewide Building Code (§ [36-97](#) et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

- c. Any person proposing to install a temporary family health care structure shall first obtain a permit from the Town Manager or his designee and for which there shall be a fee charged of \$100.
- d. Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health. (e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- e. Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- f. The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

#### SEC. 4.7.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

#### Sec. 4.7.3 Site Development Regulations

The following are general development standards for the Residential Office District (RO):

1. Minimum Lot Requirements.
  - a. Area: 10,000 Square feet
  - b. Frontage: 50 feet
  - c. Lot Width: 100 feet
  - d. Lot Depth: 100 feet.
2. Minimum Setback Requirements.
  1. Principal Structure:
    - i. Front: 25 feet
    - ii. Side: 10 feet
    - iii. Setbacks from all public streets :25 feet

- iv. Rear: 25 feet
- 3. Where this zoning district abuts a residential zoning district or use the proposed development shall provide a 15-foot-wide buffer and install a fence.
- 4. Accessory Structures:
  - a. Minimum Side Setback: 5 feet
  - b. Rear setback: 5 feet
  - c. The cumulative area of all accessory buildings or structures, shall not exceed forty (40) percent of the square foot area of the principal structure.
  - d. Accessory structures shall not be located in the front yard.
- 5. Maximum Height of Structures:
  - a. Principal Structures: 35 feet
  - b. Accessory Structures: 20 feet.
- 6. Maximum Lot Coverage: 50 percent
- 7. Maximum Density.
  - c. Single Family Dwelling Unit: Four (4) units per acre.
  - d. Two Family Dwelling Unit: Six (6) units per acre.
  - e. Multi- Family Dwelling Unit: Nine (9) units per acre.

**Sec. 4.7.4 General Requirements**

- 1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
- 2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 3. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
- 4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
- 5. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
- 6. Landscaping. Development sites shall have a 10-foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.
- 7. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.



- b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
8. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.

**Section 4.8 Limited Business District (B-1)**

**Sec. 4.8.1 Purpose of the District**

The purpose of this district is to provide and promote development of professional offices, studio uses and commercial activities of a convenient nature servicing surrounding neighborhoods. Commercial facilities within this district shall be generally located along major thoroughfares and near development centers where such activities exist or are planned. To enhance the general character of the district, its function of local and neighborhood service, and its compatibility with its residential surroundings, following restrictions may be applied: the size of certain uses; type, number and size of signs shall be limited; and all activities and uses shall occur within an enclosed structure except if specifically permitted.

**Sec. 4. 8.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses.**

SEC. 4.8.2-1 PERMITTED USES

1. Commercial and Civic Uses.
  - a. Administrative Services.
  - b. Artisan Studios.
  - c. Art Galleries.
  - d. Bakeries.
  - e. Bed and breakfast facilities.
  - f. Bicycle sales and repair shops.
  - g. Business Support Services.
  - h. Catering or delicatessen business.
  - i. Cultural Services
  - j. Financial Institutions.
  - k. Gas Stations.

General standards:

- i. Storage of inflammable liquid is required to be underground.
- ii. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.
- iii. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off- street loading areas from customer parking areas and access drives and aisles.
- iv. Vehicle storage on premises longer than forty-eight (48) hours shall be prohibited.
- l. General Offices.
- m. Laundries, laundromats or dry-cleaning establishments.
- n. Medical offices.
- o. Mixed Use Buildings: Lodging facility and residential dwellings as part of the

mixed use development. Dwelling units are prohibited on the ground floor.

- p. Nurseries for growing plants, trees and shrubs.
- q. Personal Services.
- r. Private or Public Parks, and recreation.
- s. Rentals of household items, tools and appliances.
- t. Repair Services
- u. Retail sales and services.
- v. Restaurants.
- w. Public Service Facility
- x. Seasonal Sales.
- y. Athletic fields.
- z. Utility Services, Minor

2. Miscellaneous Uses

- a. Adult Daycare.
- b. Daycare Centers.

General standards:

- i. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
- ii. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
- iii. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
- iv. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.

All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.

- v. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.
- c. Funeral homes and/or crematories.
- d. Houses of Worship.
- e. Parking facility surface and/or structure.

- f. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

SEC. 4.8.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Local Business district (B-1):

1. Commercial Uses

- a. Animal hospitals or veterinary clinics, provided all activities are contained within an enclosed building.
- b. Wireless Telecommunication Facilities.
- c. Brewpubs.
- d. Convalescent homes, nursing homes and housing for the elderly and handicapped.
- e. Columbarium.
- f. Microbrewery.
- g. Micro-distillery.
- h. Pet shops or animal grooming services, provided all activities are contained within an enclosed building.
- i. Hospitals or health center.
- j. Hotels, motels or inns
- k. Institutions, educational or philanthropic.
- l. Restaurants with drive-through services and/or outdoor seating.
- m. Private clubs and lodges, uses that operate for the benefit of members and not as a business entity.
- g. Mixed Use Buildings: Residential Dwelling as part of mixed-use development.
- n. Utility Services, Major.
- o. Taxidermists.
- p. Towers more than 50 feet in accordance with Sec. 5.8 of these regulations
- q. Any legitimate retail use or services not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Pulaski. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan.

2. Light Industrial Uses

- a. Cottage Industry
- b. Custom Manufacturing
- c. Greenhouse or Nursery
- d. Industry Type 1
- e. Packaging

**f. Warehouses****SEC. 4.8.2-3 Accessory Uses**

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use. Uses and structures which are in keeping with the character of the district.

1. Living quarters in main structure for persons employed on the premises.
2. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work; however, not to exceed a two (2) year maximum.
3. Swimming Pool associated with the development.
4. Private storage buildings under 300 square feet.
5. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.

**SEC. 4.8.2-4 PROHIBITED USES**

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.8.3 Site Development Regulations**

The following are general development standards for the Local Business District (B-1):

1. Minimum Lot Requirements.
  - a. Area: 7,500 Square feet .
  - b. Frontage: 50 feet
2. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 25 feet
    - ii. Side: 10 feet
    - iii. Rear: 25 feet
    - iv. Setbacks from all public streets shall be 25 feet
3. Where this zoning district abuts a residential zoning district or use the proposed development shall provide a 15-foot-wide buffer and install a fence.
4. Accessory Structures:
  - a. Minimum Distance from Principal Structure: 5 feet
  - b. Maximum Height: 10 feet
  - c. Minimum Side Setback: 5 feet
  - d. Side setback for corner lots shall meet the principal structure setbacks

- e. The cumulative area of all accessory buildings or structures, shall not exceed fifty (50) percent of the square foot area of the principal structure.
  - f. Accessory structures shall not be located in the front yard.
  - g. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
5. Maximum Height of Structures:
- a. Principal Structures: 48 feet
  - b. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.
6. Maximum Lot Coverage: 70 percent

**Sec. 4.8.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Enclosed buildings. All uses shall be conducted within a completely enclosed building with the following exceptions:
  - a. Drive-through service for Financial institutions and restaurants
  - b. Gasoline sales
  - c. Outdoor sales display which are mobile in nature and are stored inside during non-business hours are permitted. Location of outdoor displays shall not interfere with pedestrian and vehicular traffic.
  - d. Outdoor recreation
  - e. Outdoor seating areas for restaurants
  - f. Vending machines station. Groups of vending machines shall be contained in a building.
4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
5. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
6. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

7. Landscaping. Development sites shall have a 10-foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks.

Single family residential lots or development shall have a minimum of ten percent (10%) of the total lot or development area as greenspace or landscaped area.

8. Lighting Requirements:
- a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
10. All building permits for single-family and duplex on a single lot shall be exempted from requirement of Section 4.3.4 except for item (4), (5) and (6).
11. Screening Requirements. This district prohibits the storage, collection or accumulation of any goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in elevation.

All screening required under this section shall be of substantial construction. No fragile or readily flammable material such as paper, cloth or canvas shall constitute a part of any screen, nor shall any such material be employed as an adjunct or supplement to any screen.

All screening required under this section shall be installed entirely within the lot of record or the leased premises, whichever is applicable. The property owner, lessee, developer and/or successor in title to a given property shall be responsible for the installation of required screening and its perpetual maintenance, as well as timely repair and replacement of all screening as required by this section. A failure to install or adequately maintain the screening shall be deemed a violation of this ordinance.

## **Section 4.9      General Business District (B-2)**

### **Sec. 4.9.1      Purpose of the District**

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial development, automotive sales and service, and miscellaneous recreational and service activities, generally serving the Town, a wide area of the County, and the traveling public and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned. This zoning district encourages commercial areas that have a community or regional market. The regulations of this district intend to promote uses that will enhance the economic viability of this zone and the Town as a whole.

### **Sec 4.9.2      Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses**

#### **SEC. 4.9.2-1 PERMITTED USES**

##### **1. Commercial Uses.**

- a. Artisan Studios.
- b. Art Galleries.
- c. Bakeries.
- d. Bed and breakfast facilities.
- e. Bicycle sales and repair shops.
- f. Boat and boat trailer sales and storage
- g. Banquet facilities, meeting rooms or convention centers.
- h. Brewpub.
- i. Business Support Services.
- j. Catering or delicatessen business.
- k. Financial Institutions.
- l. Gas Stations.

##### **General standards:**

- i. Storage of inflammable liquid is required to be underground.
- ii. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.
- iii. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off- street loading areas from customer parking areas and access drives and aisles.
- iv. Vehicle storage on premises longer than forty-eight (48) hours shall be prohibited.



- m. General Offices.
- n. Green houses or nurseries.
- o. Hotels, motels or inns.
- p. Laundries, laundromats or dry-cleaning establishments.
- q. .
- r. Microbrewery.
- s. Micro-distillery.
- t. Mixed Use Buildings: Lodging facility and residential dwellings as part of the mixed use development. Dwelling units are prohibited in the ground floor.
- u. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.
- v. Personal services.
- w. Personal Storage/Mini-Warehouse.

General standards:

- i The minimum lot size shall be 1 acre.
- ii The minimum front yard setback shall be 30 feet.
- iii No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any required landscape buffer.
- iv All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 35 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radii shall be provided, where appropriate, for a 30-foot-long single unit truck or moving van. All driveways shall be paved.
- v No door openings for any cubicle shall be constructed facing any residentially zoned property.
- vi The following uses shall be prohibited:
  - Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
  - The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - The establishment of a transfer and storage business.
  - The storage of flammable, highly combustible, explosive or hazardous materials.
- vii There shall be no outdoor storage of goods or materials of any type.

- viii Accommodations for a live-in manager shall be permitted.
- x. Private Clubs, uses that operate for the benefit of members and not as a business entity.
- y. Rentals of household items, tools and appliances.
- z. Repair Services
  - aa. Restaurants, drive-in or otherwise.
  - bb. Retail sales and service.
  - cc. Retail Sales and service of automobiles, with accessory outdoor storage. Outdoor storage of unused abandoned vehicles, non-operating motor vehicles, or abandoned parts, machinery or machinery parts are prohibited.
  - dd. Automobile Repair Services, Minor, with accessory outdoor storage. Outdoor storage of unused abandoned vehicles, non-operating motor vehicles, abandoned parts, machinery or machinery parts are prohibited.
  - ee. Automobile Rental/Leasing establishments. Rentals of automobiles, light truck, vans, campers and travel trailers excluding truck trailer bodies.
  - ff. Seasonal Sales.
  - gg. Self-service car wash, full service car wash and automatic exterior drive thru car wash.

General Standards:

- i. The use shall be permitted to have ingress/egress on a collector or higher classification roadway.
- ii. There shall be no outside storage or display of goods offered for sale.
- iii. All washing and waxing of automobiles shall be within a completely enclosed building, except for entrance and exit. Vacuuming and drying of automobiles may be outside the building but shall not encroach upon any setback and/or buffer areas.
- iv. The above-mentioned entrance and exit shall not face any abutting property zoned for residential uses.
- v. All of the area of the site to be utilized by the washing, waxing, drying and vacuuming operation including all ingress and egress areas shall be paved with concrete, asphalt or asphalt concrete.
- vi. A six (6) foot high masonry screening wall shall be required where the site abuts a residential zoning district or use
- hh. Building trades services including construction, plumbing, electrical, heating and air-conditioning, landscaping, well drilling, and similar services. Outdoor storage is not permitted.
- ii. Wholesale, warehouse or storage use.

General standards:

- i The minimum lot size shall be 1 acre.
- ii The minimum front yard setback shall be 30 feet.

- iii The maximum floor area use for storage shall not exceed 20,000 square feet.
- iv No facility shall contain bulk storage or flammable liquids.
- v No outdoor display or storage is permitted.

2. Civic Uses

- a. Administrative Services.
- b. Schools
- c. Cultural Services.
- d. Public parks and recreation.
- e. Public Service Facility.
- f. Utility Services, Minor

3. Miscellaneous Uses

- a. Adult Daycare.
- b. Daycare Centers.

General standards:

- i. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
- ii. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
- iii. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
- iv. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.
- v. All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
- vi. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.

~~c. Funeral home or undertaking establishment.~~ Funeral Homes and/or Crematories  
(Adopted August 2, 2022/ Ordinance 2022-12)

- d. Houses of Worship.
- e. Manufactured Home Sales.

General Standards:

- i. A minimum of 20 feet landscaping buffer along public right-of-way and 25 feet landscaping strip when adjoining to residential zoning districts.
- ii. The storage and/or display of manufactured homes in the perimeter landscaping strip as required above (i) shall be prohibited.
- iii. The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.
- f. Parking Facility, surface and/or structure.
- g. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.

**SEC. 4.9.2-2 SPECIAL EXCEPTIONS**

The following uses, subject to or limited by conditions, may be permitted by special exception in the in the General Business district (B-2):

3. Commercial and Civic Uses:

- a. Animal hospital or veterinary clinics, provided all activities are contained within an enclosed building.
- b. Pet shops, or animal grooming services, provided all activities are contained within an enclosed building.
- c. Recreational and amusement establishments such as billiard parlors or pool rooms, bowling alleys, dance halls, theaters, electronic game centers, miniature golf courses, or similar recreational establishments, indoor or outdoor.
- d. Carnival, fairs or festivals and similar activities
- e. Schools, colleges, universities or pre-schools.
- f. Outdoor sales area or flea market
- g. Utility Services, Major.
- h. Radio and television stations and studios or recording studios.
- i. Taxidermists.
- j. Any legitimate retail use or services not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Pulaski. Significant consideration shall be given to the health, comfort, well-being and quality of life for the citizens and must be found consistent with the Comprehensive Plan.
- k. Industry Type I.
- l. Columbarium.
- m. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.
- n. Hospital or health center.

**SEC 4.9.2-3 ACCESSORY USES**

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building, structure or use. Uses and structures which are in keeping with the character of the district.

1. Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations.
2. Living quarters in main structure for persons employed on the premises.
3. Temporary buildings for uses incidental to construction work. Such buildings, shall be removed upon completion or abandonment of the construction work; however, not to exceed a two (2) year maximum.
4. Except for buildings accessory to a farm, no accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
5. Swimming Pool associated with the development.
6. Private storage buildings 300 square feet or less.

#### SEC. 4.9.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

#### Sec. 4.9.3 Site Development Regulations

The following are general development standards for the General Business District(B-2):

1. Minimum Lot Requirements.
  - a. Area: 10,000 square feet.
  - b. Frontage: 100 feet.
2. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: 25 feet.
    - ii. Side: 10 feet.
    - iii. Rear: 25 feet.
    - iv. Setbacks from all public streets shall be 25 feet
3. Where this zoning district abuts a residential zoning district or use, the proposed development shall provide a 15-foot-wide buffer and install a fence.
4. Accessory Structures (needs rear setback)
  - a. Minimum Distance from Principal Structure: 5 feet
  - b. Maximum Height: 10 feet
  - c. Minimum Side Setback: 5 feet

- d. The cumulative area of all accessory buildings or structures, shall not exceed fifty (50) percent of the square foot area of the principal structure.
  - e. Accessory structures shall not be located in the front yard.
  - f. Side setback for corner lots shall meet the principal structure setbacks
  - g. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
5. Maximum Height of Structures.
- a. Principal Structures: 48 feet.
  - b. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.
6. Maximum Lot Coverage: 70 percent.

**Sec. 4.9.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Enclosed buildings. All uses shall be conducted within a completely enclosed building with the following exceptions:
  - a. Drive-through service for Financial institutions and restaurants
  - b. Gasoline sales
  - c. Outdoor sales display which are mobile in nature and are stored inside during non- business hours is permitted. Location of outdoor display shall not interfere with pedestrian and vehicular traffic.
  - d. Outdoor recreation.
  - e. Outdoor seating areas for restaurants.
4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
5. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
6. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
7. Landscaping. Development sites shall have a 10-foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area with no more than 50% in grass alone., This area shall be landscaped with grass, trees, shrubs or pedestrian walks.
8. Lighting Requirements:

- a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
10. All building permits for single-family and duplex on a single lot shall be exempted from requirement of Section 4.9.4 except for item (4), (5) and (6).
11. Screening Requirements. This district prohibits the storage, collection or accumulation of ~~any~~ goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in elevation.

All screening required under this section shall be of substantial construction. No fragile or ~~readily~~ flammable material such as paper, cloth or canvas shall constitute a part of any screen, nor shall any such material be employed as an adjunct or supplement to any screen.

All screening required under this section shall be installed entirely within the lot of record or ~~the~~ leased premises, whichever is applicable. The property owner, lessee, developer and/or successor in title to a given property shall be responsible for the installation of required screening and ~~to~~ perpetual maintenance, as well as timely repair and replacement of all screening as required by this section. A failure to install or adequately maintain the screening shall be deemed a violation of this ordinance.

## Section 4.10 Central Business District (B-3)

### Sec. 4.10.1 Purpose of the District

The purpose of this district is to support redevelopment and new investment in the historic center, and to provide for an appropriate variety of uses for commercial, financial, professional, governmental and cultural activities. It is intended to promote a convenient and relatively compact arrangement of uses and buildings, and to this end, required yards are minimal, permitted building bulk and coverage is relatively high, and no off-street parking is required for individual uses in recognition of a shared responsibility to provide centralized parking facilities at select locations. High density residential development is permitted to encourage housing convenient to places of shopping and work. Signing and outdoor storage are restricted in order to promote an attractive and stable urban environment.

### Sec. 4.10.2 Permitted Uses, Special Exceptions, Accessory Uses and Prohibited Uses

#### SEC. 4.10.2-1 PERMITTED USES

##### 1. Residential Uses

- a. Single-family dwellings, including a family and up to two (2) unrelated individuals per unit. Such dwellings will be permitted in conjunction with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of such business.

##### 2. Commercial and Civic Uses

- a. Administrative Services.
- b. Artisan Studio.
- c. Art Galleries.
- d. Bakeries.
- e. Financial Institutions.
- f. Barber shops or beauty parlors.
- g. Bicycle sales and repair shops.
- h. Banquet facilities, meeting rooms or convention centers
- i. Brewpub
- j. Business Support Services.
- k. Cultural Services
- l. Furniture, upholstery and appliance repairs
- m. Funeral home or undertaking establishment.
- n. Gas Stations.

##### General standards:

- i. Storage of inflammable liquid is required to be underground.
- ii. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.



- iii. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off-street loading areas from customer parking areas and access drives and aisles.
  - iv. Vehicle storage on premises longer than forty-eight (48) hours shall be prohibited.
  - o. General Offices.
  - p. Hotels, motels or inn.
  - q. Institutions, educational or philanthropic,
  - r. Laundries, laundromats or dry-cleaning establishments.
  - s. Microbrewery.
  - t. Micro-distillery.
  - u. Outdoor Markets
  - v. Personal service
  - w. Rentals of household items, tools and appliances.
  - x. Repair services
  - y. Retail sales and services
  - z. Restaurants, catering businesses, delicatessens or ice cream parlors, service of food for consumption primarily on premises, including outdoor eating area.
  - aa. Public Service Facility
  - bb. Seasonal sales
  - cc. Utility Services, Minor
3. Miscellaneous Uses
- a. Houses of Worship
  - b. Parking Facility, surface and/or structure.
  - c. Towers less than 50 feet in accordance with Sec. 5.8 of these regulations

#### SEC. 4.10.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Central Business District (B-3):

- 1. Commercial Uses:
  - a. Animal hospital or veterinary clinics, provided all activities are contained within an enclosed building.
  - b. Pet shops, or animal grooming services, provided all activities are contained within an enclosed building.
  - c. Mixed Use Buildings. Lodging facility and multifamily dwellings as part of the mixed-use development. **Dwelling units are permitted in the ground floor.**
  - d. Recreational and amusement establishments such as billiard parlors or pool rooms, bowling alleys, dance halls, theaters, electronic game centers or similar recreational establishments.
  - e. Drive-through service for financial institutions and restaurants.

- f. Radio and television stations and studios or recording studios.
- g. Taxidermists.
- h. Industry Type 1
- i. Columbarium.
- j. Utility Services, Major
- k. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.
- l. Any legitimate retail use or services not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Pulaski. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan.
- m. ~~Hospital or health center.~~ (removed by Ordinance 2024-09/ Adopted August 6, 2024)

**SEC.4.10.2-3ACCESSORY USES**

Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use. Uses and structures which are in keeping with the character of the district.

- 1. Living quarters in main structure for persons employed on the premises.
- 2. Temporary buildings for uses incidental to construction work. Such buildings, shall be removed upon completion or abandonment of the construction work; however, not to exceed a two (2) year maximum.
- 3. No accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.
- 4. Swimming Pool associated with the development.
- 5. Private storage buildings 300 square feet or less.

**SEC. 4.10.2-4 PROHIBITED USES**

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.10.3 Site Development Regulations**

The following are general development standards for the Central Business District(B-3):

- 1. Minimum Setback Requirements.
  - a. Principal Structure:
    - i. Front: Five (5) feet.
    - ii. Side: zero (0) feet, except where a side yard abuts a public street, recorded alley, or access easement, then there shall be a minimum side yard of five (5) feet. When any side of a lot adjoins a low-density residential district, there shall be a minimum side yard of ten (10) feet.
    - iii. Rear: zero (0) feet, except where the rear of a lot adjoins a low-density residential district, there shall be a minimum rear yard of fifteen (15) feet.

- iv. Where forty (40) percent or more of the other properties on the same block are developed with a front yard setback, there shall be a required front yard equal to the average of the front yard setbacks along that block, to a maximum of twenty (20) feet.
  - v. Minimum upper level front yard setback: 15 feet above 36 feet of height.
- b. Accessory Structures:
- i. Minimum Distance from Principal Structure: 5 feet
  - ii. Maximum Height: 10 feet
  - iii. Minimum Side Setback: 5 feet
  - iv. The cumulative area of all accessory buildings or structures, shall not exceed fifty (50) percent of the square foot area of the principal structure.
  - v. Accessory structures shall not be located in the front yard.
  - vi. Arbors, pergolas and trellis are not required to meet setback requirements provided these features are for purpose of landscape enhancement
2. Maximum Height of Structures.
- c. Principal Structures: 48 feet, additional height may be allowed by a special exception.

**Sec. 4.10.4 General Requirements**

1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
2. Site plan. Approval of a site plan is required. Applicants must submit architectural plans and building elevations in addition to a site development plan.
3. Enclosed buildings. All uses shall be conducted within a completely enclosed building with the following exceptions:
  - a. Drive-through service
  - b. Outdoor sales display which are mobile in nature and are stored inside during non- business hours are permitted. Location of outdoor displays shall not interfere with pedestrian and vehicular traffic.
  - c. Outdoor seating areas for restaurants.
4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
5. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.

6. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
7. Screening Requirements. This district prohibits the storage, collection or accumulation of any goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in height.

All screening required under this section shall be of substantial construction. No fragile or readily flammable material such as paper, cloth or canvas shall constitute a part of any screen, nor shall any such material be employed as an adjunct or supplement to any screen.

All screening required under this section shall be installed entirely within the lot of record or the leased premises, whichever is applicable. The property owner, lessee, developer and/or successor in title to a given property shall be responsible for the installation of required screening and its perpetual maintenance, as well as timely repair and replacement of all screening as required by this section. A failure to install or adequately maintain the screening shall be deemed a violation of this ordinance.

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## Section 4.11 Light Industrial (I-1)

### Sec.4.11.1 Purpose of the District

The purpose of the I-1 District is to allow a variety of light industrial, wholesale, warehouse and heavy commercial activities conducted within completely enclosed buildings or within screened areas. The activities associated with these uses will have minimal or no environmental impacts associated with smoke, odor, and noise.

### Sec. 4.11.2 Permitted, Special Exception, Accessory Uses and Prohibited Uses.

#### SEC. 4.11.2-1 PERMITTED USES.

##### 1. Commercial and Civic Uses

- a. Administrative Services.
- b. Agricultural sales and services.
- c. Artisan Studio.
- d. Automotive Repair Services, Minor.
- e. Automotive Repair Services, Major.
- f. Business Support Services.
- g. Equipment sales and rental.
- h. Financial Institutions.
- i. Gas Stations.

##### General Standards:

- i. Storage of inflammable liquid is required to be underground.
- ii. All gasoline pumps, tanks, vents, pump islands and pump island canopies shall conform to setback requirements.
- iii. Off-street loading spaces which are provided for the delivery of materials, merchandise, fuel oils or any similar accessory or product shall be located in a manner on the site that completely separates these off-street loading areas from customer parking areas and access drives and aisles.
- iv. Vehicle storage on premises longer than forty-eight (48) hours shall be prohibited.
- j. General Office.
- k. Laboratories.
- l. Laundries, laundromats or dry-cleaning establishments.
- m. Outdoor Recreation Outfitters.
- n. Public Maintenance Facilities.

- o. Public Service Facilities
  - p. Private or Public parks and recreation areas.
  - q. Repair Services.
2. Light Industrial Uses
- a. Cottage Industry.
  - b. Construction Yard.
  - c. Custom Manufacturing.
  - d. Greenhouse or nursery, commercial, wholesale or retail
  - e. Industry Type I.
  - f. Microbrewery.
  - g. Micro distillery.
  - h. Packaging.
  - i. Transportation Terminal.
  - j. Truck Terminal.
  - k. Warehouses.
3. Miscellaneous Uses
- a. Daycare Center.  
General standards:
    - v. All daycare centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
    - vi. Parking areas and access driveways at all daycare centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No daycare center shall be allowed if it causes congestion, or the disruption of traffic flow on adjacent or nearby streets.
    - vii. Entrance to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation and minimize the adverse impact on adjacent streets and surrounding neighborhoods.
    - viii. All children drop-off/pick-up areas and their associated stacking areas shall be required to be totally on-site.
    - ix. All playgrounds and outdoor recreational areas shall be set back a minimum of fifty (50) feet from any abutting residential zoning district or residential use.
    - x. The administrator shall have the authority to require a special exception permit for any daycare center, due to its location or proximity to residential neighborhoods and/or parking lot or access driveway design, or its potential to result in congestion, or the

disruption of traffic flow on adjacent or nearby streets.

b. **Manufactured Home, Emergency.**

These regulations are adopted in recognition that temporary emergency housing options may be necessitated by fire, flood, or other unforeseen and sudden acts of nature.

**General Standards:**

- i. The Town Council may authorize the emergency use of a manufactured home on a lot if the building official certifies that the permanent dwelling on the lot has been lost or destroyed by a fire, flood, or other unforeseen and sudden acts of nature, and as a result is uninhabitable.
- ii. Only one emergency manufactured home shall be permitted on a lot of record. It shall be located on the same lot as the destroyed dwelling, and must be occupied only by the person or family whose dwelling was destroyed.
- iii. The emergency manufactured home shall meet all setback and yard requirements for the district in which it is located. It shall be anchored and stabilized in accordance with applicable building code provisions.
- iv. The emergency manufactured home must be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete, or within a 12-month period of its placement on the site, whichever is sooner. A one-time extension of up to six additional months may be granted by the Town Council if substantial reconstruction of the destroyed dwelling has occurred and work has continued, and is continuing to progress. No final certificate of occupancy for the reconstructed dwelling shall be issued until the emergency manufactured home is removed from the site.

Where the President of the United States has declared a federal disaster, the Town Council may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their homes. In such cases, all local zoning and building code requirements shall be waived in favor of FEMA standards.

c. **Manufactured Home Sales.**

**General Standards:**

- i. A minimum of 20 feet landscaping buffer along public right-of-way and 25 feet landscaping strip when adjoining to residential zoning districts.
- ii. The storage and/or display of manufactured homes in the perimeter landscaping strip as required in Item c-i above shall be prohibited.
- iii. The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.

d. **Personal Storage/Mini-warehouse.**

**General standards:**

- i. The minimum lot size shall be 1 acre.
- ii. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any required landscape buffer.

- iii. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 35 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot-long single unit truck or moving van. All driveways shall be paved.
- iv. No door openings for any cubicle shall be constructed facing any residentially zoned property.
- v. The following uses shall be prohibited:
  - Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
  - The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - The establishment of a transfer and storage business.
  - The storage of flammable, highly combustible, explosive or hazardous materials.
- vi. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a 20-foot landscaped area consisting of small evergreen trees and evergreen. Accommodations for a live-in manager shall be permitted.
- e. Towers less than 50 feet in accordance with Sec. 5.2 of these regulations.
- f. Utility Services, Minor.

SEC. 4.11.2-2 SPECIAL EXCEPTIONS

The following uses, subject to or limited by conditions, may be permitted by special exception in the Light Industrial district (I-1):

- 1. Commercial Uses.
  - a. Athletic Instruction Services.
- 2. Industrial Uses.
  - b. Asphalt Plant.

General standards:

- i. A minimum of 25 feet landscaping buffer along public right-of-way and 40 feet landscaping buffer when adjoining to residential zoning districts.
- ii. In considering a special exception permit request for an asphalt plant, the Planning Commission and Town Council shall specifically consider and set standards for the following:
  - The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.
  - Specific measures to control dust during the construction and operation of the plant.



- Specific levels of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise.
  - c. Industry Type II.
  - d. Meat Packing and Related Industries.
  - e. Railroad Facilities.
  - f. Resource Extraction.
  - g. Scrap and Salvage Services.
  - h. Any legitimate industrial use not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Pulaski. Significant consideration shall be given to the health, comfort, well-being and quality of life of the citizens and must be found consistent with the Comprehensive Plan.
4. Miscellaneous Uses.
- a. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.
  - b. Utility Services, Major.

**SEC. 4.11.2-3 ACCESSORY USES.**

1. Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use.
2. Uses and structures which are in keeping with the character of the district.
3. No residential facilities shall be permitted except for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.
4. Temporary buildings for uses incidental to construction work. Such buildings, shall be removed upon completion or abandonment of the construction work; however, not to exceed a two (2) year maximum.
5. Accessory building shall not be constructed upon a lot for more than six months prior to beginning construction of the main building, and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.

**SEC.4.11.2-4PROHIBITED USES.**

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.11.3 Site Development Regulations.**

The following are general development standards for the Industrial/Commercial District(I-1).

1. Minimum Lot Requirements.
  - a. Area: 10,000 Square feet

- b. Frontage: 75 feet
- 2. Minimum Setback Requirements.
  - c. Principal Structure:
    - vi. Front: 30 feet
    - vii. Side: 20 feet
    - viii. Rear: 30 feet
    - ix. Setbacks from all public streets shall be 30 feet
- 3. Where this zoning district abuts a residential zoning district, there shall be a fifty (50) foot setback beginning at the district boundary line, except where the rear or side property line abuts a rail line.
- 4. In situations where a rear property line abuts a rail line or spur track, the rear setback requirement may be deleted if a track side loading facility is provided.
- 5. Accessory Structures:

Structure Size	Structure Height	Rear Setback	Side Setback
300 s.f. or less	<8 ft.	5 ft.	5 ft.
300 s.f. or less	>8 ft.	10 ft.	7 ft.
301-600 s.f.	<8 ft.	12 ft.	10 ft.
301-600 s.f.	>8 ft.	15 ft.	10/15 ft.

- 6. Maximum Height of Structures.
  - d. Principal Structures: 50 feet
  - e. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.
- 7. Maximum Lot Coverage: 70 percent

**Sec. 4.11.4 General Requirements:**

- 1. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
- 2. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and

rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.

3. Enclosed buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of waste material.
4. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
5. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
6. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
7. Landscaping. Development sites shall have a 20foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks. The landscaped area in the front yard shall be maintained at a ratio of 20 percent. For corner lots a minimum of 20 percent of greenspace or landscaped area in each yard fronting a public street.
8. Lighting Requirements:
  - a. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - b. No freestanding light fixture shall be higher than 40 feet.
  - c. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
9. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.

## Section 4.12 Industrial District (I-2)

### Sec. 4.12.1 Purpose of the District

The purpose of the I-2 District is to establish and preserve areas within the Town that are suitable for business and intensive industrial uses. The district allows a variety of intensive industrial and warehouse uses. Manufacturing activities and uses within the district occur primarily within enclosed structures, but uses may have significant outdoor storage needs.

### Sec. 4.12.2 Permitted, Special Exception, Accessory and Prohibited Uses.

#### Sec 4.12.2-1 Permitted Uses.

##### 1. Commercial and Civic Uses

- a. Administrative Services.
- b. Agricultural Sales and Services.
- c. Artisan Studio.
- d. Automotive Repair Services, Major.
- e. Business Support Services.
- f. Equipment sales and rental.
- g. Financial Institutions.
- h. General Office.
- i. Laboratories.
- j. Laundries, laundromats or dry-cleaning establishments.
- k. Outdoor Recreation Outfitter.
- l. Public maintenance facilities.
- m. Public services facilities
- n. Public parks and recreation areas.
- o. Repair Services.
- p. Safety Services.

##### 2. Industrial Uses

- a. Asphalt Plant.

General standards:

- i A minimum of 25 feet landscaping buffer along public right-of-way and 40 feet landscaping buffer when adjoining to residential zoning districts.
- ii In considering a special exception permit request for an asphalt plant, the Planning Commission and Town Council shall specifically consider and set standards for the following:
  - The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.

- Specific measures to control dust during the construction and operation of the plant.
  - Specific levels of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise.
- b. Cottage Industry.
  - c. Construction Yard.
  - d. Custom Manufacturing.
  - e. Greenhouse or nursery, commercial, wholesale or retail.
  - f. Industry Type I.
  - g. Industry Type II.
  - h. Meat Packing and Related Industries.
  - i. Microbrewery.
  - j. Micro distillery
  - k. Packaging.
  - l. Railroad Facilities.
  - m. Transportation Terminal.
  - n. Truck Terminal.
  - o. Warehousing and distribution.
3. Miscellaneous Uses.
- a. Manufactured Home, Emergency.

These regulations are adopted with recognition that temporary emergency housing options may be necessitated due to occurrences of fire, flood, or other unforeseen and sudden acts of nature.

General Standards:

- i. The Town Council may authorize the emergency use of a manufactured home on a lot if the building official certifies that the permanent dwelling on the lot has been lost or destroyed by a fire, flood, or other unforeseen and sudden acts of nature, and as a result is uninhabitable.
- ii. Only one emergency manufactured home shall be permitted on a lot of record. It shall be located on the same lot as the destroyed dwelling, and must be occupied only by the person or family whose dwelling was destroyed.
- iii. The emergency manufactured home shall meet all setback and yard requirements for the district in which it is located. It shall be anchored and stabilized in accordance with applicable building code provisions.
- iv. The emergency manufactured home must be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete, or within a 12-month period of its placement on the site, whichever is sooner. A one-time extension of up to six additional months may be granted by the Town Council if substantial

reconstruction of the destroyed dwelling has occurred and work has, and is continuing to progress. No final certificate of occupancy for the reconstructed dwelling shall be issued until the emergency manufactured home is removed from the site.

Where the President of the United States has declared a federal disaster, the Town Council may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their homes. In such cases, all local zoning and building code requirements shall be waived in favor of FEMA standards.

b. Manufactured Home Sales.

General Standards:

- i. A minimum of 20 feet landscaping strip along public right-of-way and 25 feet landscaping strip when adjoining to residential zoning districts.
- ii. The storage and/or display of manufactured homes in the perimeter landscaping strip required above {b(i)} shall be prohibited.
- iii. The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.

c. Parking Facility, Surface/Structure.

d. Personal Storage/Mini- Warehouse.

General standards:

- i. The minimum lot size shall be 1 acre.
- ii. The minimum front yard setback shall be 30 feet.
- iii. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any Required buffer.
- iv. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 35 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a 30-foot-long single unit truck or moving van. All driveways shall be paved.
- v. No door openings for any cubicle shall be constructed facing any residentially zoned property.
- vi. The following uses shall be prohibited:
  - Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
  - The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - The establishment of a transfer and storage business.

- The storage of flammable, highly combustible, explosive or hazardous materials.
  - i. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a 20-foot landscape buffer. Accommodations for a live-in manager shall be permitted.
- e. Towers less than 50 feet in accordance with Sec. 5.8 of these regulations.
- f. Utility Services, Minor.
- ~~g. Utility Services, Major. (adopted August 1, 2023/ Ordinance 2023-12)~~

SEC. 4.11.2-2 SPECIAL EXCEPTIONS.

The following uses, subject to or limited by conditions, may be permitted by special exception in the in the in the Industrial district (I-2):

1. Utility Services, Mayor (adopted August 1, 2023/Ordinance 2023-12)
2. Commercial Uses.
  - a. Athletic Instruction Services.
  - b. Recreational Vehicle Sales and Service.

General standards:

- i. A perimeter landscape buffer of 20 feet shall be provided as required.
- ii. The storage and/or display of recreational vehicles in the perimeter landscaping strip required above {a(i)} shall be prohibited.
- iii. Any recreational vehicle which is missing major mechanical or body parts or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least 100 feet from any adjoining residential district.

3. Industrial Uses.

c. Drop Site Uses. The following types of uses are included:

- i. Collection and temporary storage of recyclables and non-recyclables/heavy items for shipment to landfills or recycling facilities.
- ii. Public utilities or public service or transportation uses, buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, substations and major transmission lines.

General standards:

- i. Lot Size Standards: There are no minimum lot size standards in the Drop Site except as may be required by the Health Official for uses utilizing individual or on-site sewage disposal systems.
- ii. Placement Standards: Dumpsters or other industry standard containers shall be placed at the discretion of the Town Council and shall be placed appropriately to enable satisfactory access.
- iii. The drop site shall be staffed during the hours of operation.
- iv. The drop site shall be lighted to provide adequate visibility for purposes of operation and security. Lighting shall be directed in such a manner that it shall be focused on the site to prevent disturbance of nearby dwellings.

- v. This site shall be kept neat and orderly and free of litter. No loose debris or items resting on the ground is permitted.
  - vi. All recyclable and non-recyclable/heavy items deposited at the site shall be placed in approved industry standard container units designed for storage/transport/disposal of such items.
  - vii. Dumpsters and industry standard container units may rest on a concrete pad large enough to prohibit the container from resting directly on the ground.
  - viii. Spaces for dumpsters, which are recessed into the ground for above ground off-loading of items from vehicles, shall have a bumper at the end of the recess where the dumpster is placed. Crusher belts or other appropriate material shall be placed around the upper perimeter of the dumpster recess to prevent items or debris from falling between the dumpster and the storage recess. shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.
  - ix. The number of tires accepted at the site shall be consistent with PSA policies. Tire disposal shall be for residential disposal only.
  - x. All recycling drop-off centers shall be screened from residential uses by an opaque fence at least 6 feet in height.
  - xi. The hours of operation of sites adjacent to residential dwellings shall be between the hours of 7:00 a.m. and 7:00 p.m.
- d. Junkyards and automobile graveyards
- General Standards:
- i. Title 33.1, Chapter 6, Section 344 through 348 of the Code of Virginia (1950) s amended, establish the Criteria for the Location of Junkyards or Automobile Graveyards.
  - ii. No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1000) feet of the nearest edge of the right-of-way of any interstate or primary highway, or within five hundred (500) feet of the nearest edge of the right-of-way of any other highway or street, except:
    - a) 504.1-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway or street, or otherwise removed from sight;
    - b) 504.1-2 Junkyards or automobile graveyards which are not visible from the main-traveled way of the highway or street.
- e. Resource extraction.
- f. Any legitimate industrial use not prohibited in this zone but not falling within the permitted uses and which by preponderance of evidence is shown to further the interest of the Town of Pulaski. Significant consideration shall be given to the health, comfort, well-being and quality of life for the citizens and must be found consistent with the Comprehensive Plan.
4. Miscellaneous Uses
- a. Aviation Facilities.
  - b. Towers more than 50 feet in accordance with Sec. 5.2 of these regulations.



SEC 4.11.2-3 ACCESSORY USES.

1. Uses and structures which are on the same lot and of a nature customarily incidental and subordinate to the principal building structure or use.
2. Uses and structures which are in keeping with the character of the district.
3. No residential facilities shall be permitted except for watchmen or caretakers whose work requires residence on the premises or for employees who will be temporarily quartered on the premises.
4. Temporary buildings for uses incidental to construction work. Such buildings, shall be removed upon completion or abandonment of the construction work; however, not to exceed a two (2) year maximum.
5. Except for buildings accessory to a farm, no accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.

SEC. 4.11.2-4 PROHIBITED USES

Any use not permitted by right, or as accessory use or by special exception shall be prohibited.

**Sec. 4.11.3 Site Development Regulations**

The following are general development standards for the Industrial District (I-2).

1. Minimum Lot Requirements.
  - a. Area: 20,000 Square feet
  - b. Frontage: 100 feet
2. Minimum Setback Requirements:
  - d. Principal Structure:
    - i. Front: 40 feet
    - ii. Side: 30 feet
    - iii. Rear: 40 feet
    - iv. Setbacks from all public streets shall be 40 feet.
3. Where this zoning district abuts a residential zoning district, there shall be a fifty (50) foot setback beginning at the district boundary line, except where the rear or side property line abuts a rail line.
4. In situations where a rear property line abuts a rail line or a spur track, the rear setback requirement may be deleted if a track side loading facility is provided.
5. Accessory Structures:

Structure Size	Structure Height	Rear Setback	Side Setback
300 s.f. or less	<8 ft.	5 ft.	5 ft.
300 s.f. or less	>8 ft.	10 ft.	7 ft.
301-600 s.f.	<8 ft.	12 ft.	10 ft.
301-600 s.f.	>8 ft.	15 ft.	15 ft.

6. Maximum Height of Structures.

- a. Principal Structures: 50 feet
- b. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.

7. Maximum Lot Coverage: 70 percent

**Sec. 4.11.4 General Requirements:**

- c. Plans. Before a building permit shall be used or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes of intended use, together with a site plan as required herein, shall be submitted to the administrator for review.
- d. Site plan. Approval of a site plan is required. The plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties, and may include effective screening alongside and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- e. Enclosed buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of waste material.
- f. Drainage. All new development and redevelopment must comply with stormwater management requirements of Article IV-Stormwater Management of the Code of Ordinances.
- g. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.
- h. In the case of corner lots there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.
- i. Landscaping. Development sites shall have a 20-foot buffer along public right of way. Any site shall contain a minimum of 20 percent greenspace or landscaped area, with no more than 50% in grass alone. This area shall be landscaped with grass, trees, shrubs or pedestrian walks. The landscaped area in the front yard shall be maintained at a ratio of

20 percent. For corner lots a minimum of 20 percent of greenspace or landscaped area in each yard fronting a public street.

- j. Lighting Requirements:
  - c. Lighting shall not be directed onto another lot or obscure driver's vision on public streets. All freestanding and building mounted light fixtures shall be downlit.
  - d. No freestanding light fixture shall be higher than 40 feet.
  - e. Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the lighting source shielded, to minimize glare on adjacent property or streets.
- k. Refuse. Refuse containers or refuse storage shall be placed on a paved area and screened by means of fences, walls or landscaping planting. Acceptable screening shall be approved by the zoning administrator.

## Section 4.13 Historic District (H)

### Section 4.13.1 Purpose

The purpose of this district is to provide for protection against destruction of or encroachment upon historic areas, buildings, monuments or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic or architectural heritage of the Town of Pulaski and the Commonwealth of Virginia. It is the purpose of the district to preserve designated historic areas and historic landmarks and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement and obviously incongruous development or uses of land and to ensure that buildings, structures, streets, bridges, water-ways, walkways, or signs shall be erected, reconstructed, altered or restored so as to be architecturally compatible with the character of the general area in which they are located and with the historic landmark buildings or structures within the district.

### Sec. 4.13.2 Definitions

For the purpose of this section, certain terms and words pertaining to the Historic District (H) are hereby defined. The general rules of construction contained in Article 11 are applicable to these definitions.

Alteration - Any change, modification or addition to a part or all of the exterior of any building or structure.

Building - Any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

Administrator- the Zoning Administrator, that person appointed by the Town Council as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building.

Building Permit - An approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building.

Certificate of Appropriateness -A certificate or other statement indicating approval by the Administrator or the Architectural Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition or razing of a building or structure or part thereof in a historic district.

Contributing Properties - Properties so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this Ordinance, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance or other factors are not designated as historic landmarks under the criteria of this Ordinance.

Demolition -The dismantling or tearing down of all or part of any building and all operations incidental thereto.

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

Historic Landmark - Any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission, or any building or place officially designated as a landmark structure or place by the Town of Pulaski on the inventory map which is adopted as a part of this Ordinance.

Reconstruction - Any or all work needed to remake or rebuild all or a part of any building to a sound

condition, but not necessarily of original materials.

Repairs - Any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.

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

**Sec. 4.13.3 Criteria for Establishing Historic Districts.**

1. General Character. The boundaries of the Historic District (H) shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone. In any case the location of the district shall be based upon careful studies which describe the characteristics of the area and support the purposes of conservation and preservation.
2. Inventory of Landmarks and Contributing Properties Established. The Architectural Review Board as herein established below shall prepare and recommend for adoption as a part of this Ordinance an inventory map covering the area to be considered for inclusion in an Historic District (H) and based upon the criteria set forth in this Ordinance. This map, hereinafter called the inventory map, when adopted shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance by the Recorder of the Town of Pulaski. All structures or sites designated on said map as landmark structures or sites shall be considered as landmarks or landmark structures for the purposes of this Ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as non-contributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map.

**Sec 4.13.4 Procedure for Establishment of Historic Districts and Amendments to Historic District Boundaries and Regulations.**

The Architectural Review Board may propose to the Town Council such amendments as deemed appropriate, including the establishment of historic districts and revision to existing historic districts. Upon receipt of said proposal, the Town Council shall initiate such amendment pursuant to the Zoning Ordinance and applicable State law, including public hearing and report by the Planning Commission. The Architectural Review Board shall prepare and submit simultaneously with said proposal a report to substantiate establishment of a historic district or a proposed amendment. Such report shall establish and define the Historic District boundaries as delineated upon an appropriate map, as well as describe the historic and/or architectural significance of the buildings, structures, or sites to be protected, special characteristics, qualities and/or fabric to be preserved, and describe present trends and conditions, current and long-range planning, and desirable public objectives for preservation. Where a particular historic district has special characteristics, which distinguish it from other historic districts, the proposed district shall be given an appropriate name, such as "Historic Downtown Commercial District" or "Prospect Avenue Historic Residential District," and, when adopted, such name shall be placed with an appropriate symbol on the official zoning district map of the Town of Pulaski.

**Sec. 4.13.5 Application of the District -Relation to Other Zoning Districts.**

To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, the Historic District (H) is created as a special district to be superimposed on other districts contained in these regulations and is to be so designated by a special symbol for its boundaries on the Zoning District Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height, and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the Historic District (H) is superimposed except as these other district regulations may be modified by application of the regulations in the H Historic District.

**Sec. 4.13.6 Permitted Uses and Special Exceptions.**

A building or land shall be used only for the following purposes, and except as provided herein, in each case subject to approval by the Zoning Administrator or Architectural Review Board as the case may require in accordance with the standard set forth in this Section and the standards and procedures for administration and enforcement set forth elsewhere in this Ordinance:

1. Any use, accessory use, or sign permitted in the zoning district in which the premises are situated and upon which the Historic District (H) is superimposed. The normal maintenance of an historic area or building or the charging of admission fees for visitors, or the conduct of visitor tours, centers or services within the Historic District (H) shall not be considered as commercial uses.
2. Any special exception permitted in the zoning district in which the premises are located subject to the procedures and standards of this Ordinance for approval of special exceptions and subject in all cases to report by the Architectural Review Board in accordance with the purposes and standards of the Historic District(H).
3. Any special exception or variance permitted in the zoning district in which the premises are located, subject to the procedures and standards of this Ordinance for approval of special exceptions and variances and subject to report by the Architectural Review Board and specific findings of the Board of Zoning Appeals regarding the purposes and standards of the Historic District (H); provided, however, that if said special exception or variance is of such a minor nature as to be exempted from review by the Architectural Review Board by the terms of the regulations in the Historic District (H), then no such review or report shall be required.
4. Bed and Breakfast permitted as special exception on properties that are designated R-1 district.

**Sec. 4.13.7 Architectural Review Board Established**

1. Creation. For the general purposes of this article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB). The members of said Architectural Review Board shall be appointed by the Town Council.
2. Membership. The Membership shall consist of five members.
3. Terms. Members shall be appointed for a term of four years. Initial appointments shall be three members for four years, and remaining members for two years. The term of any Planning Commission Member shall be concurrent with his/her appointment to the Planning Commission. Vacancies shall be filled within 60 days.
4. Qualifications. A majority of the membership shall be residents of the Town and all shall have a demonstrated interest, competence, or knowledge in historic preservation. At least one

member shall be a registered architect with a demonstrated interest in historic preservation, at least one additional member shall have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning and one member shall be a member of the Town Planning Commission.

5. Organization. The Board shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Board shall appoint a secretary who shall serve at their pleasure and such other staff as they deem necessary.
6. Rules. The Board shall meet in regular session at least once a month, whenever an application has been filed for their consideration or in any case at least once per quarter. Special Meetings of the Board may be called by the Chairman or a majority of the members after twenty-four hours written notice to each member served personally or left at his usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia. The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the Town seven days prior to the meeting.
7. Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the Historic District. In addition, the Board shall have the following duties:
  - a. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies and property owners in matters involving historically significant sites and buildings, or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
  - b. To prepare an inventory map and recommend for adoption.
  - c. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
  - d. To conduct studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts, and means of preservation, utilization, improvement and maintenance of historic assets in the Town.
  - e. To propose additional historic districts or additions or deletions to districts.
  - f. To adopt standards for review to supplement the standards set forth in this Ordinance.
  - g. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

- h. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, Virginia Historic Landmarks Commission, the National Trust for Historic Preservation, and other interested parties both public and private in its efforts to preserve, restore, and conserve historic landmarks, buildings, sites or areas within the Town.

**Sec. 4.13.8 Summary of Administrative Review Procedures**

In general, it is the purpose of this ordinance to establish review procedures for actions affecting properties in the Historic District (H) which will be relatively simple with minimum delay for those actions which will have little if any permanent effect on the character of the Historic District or on a significant structure but to require a more thorough review for actions which may have a substantial effect on the character of the district or on a significant structure. To this end some actions are exempted from special historic and architectural review altogether, except as normal review may be necessary for issuance of a building permit. Other actions, depending on the possible consequences thereof, may be reviewed by the Zoning Administrator or by the Architectural Review Board acting with original jurisdiction, or, in the most serious cases, action by the Town Council following action by the Architectural Review Board. In all cases the decisions of the Zoning Administrator may be appealed to the Architectural Review Board, the decisions of the Architectural Review Board may be appealed to the Town Council, and the final decisions of the Town Council may be appealed to the Circuit Court of Pulaski County.

**Sec 4.13.9 Certain Minor Actions Exempted from Review by the Architectural Review Board**

Within the Historic District (H) certain minor actions which are deemed not to have permanent effects upon the character of the Historic District are exempted from review for architectural compatibility by the Architectural Review Board. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.
3. Addition or deletion of storm doors or storm windows, window gardens, awnings, canopies, or similar appurtenances and portable air conditioners located in existing windows, doors or other existing wall openings.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.
5. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds and the like, which will not substantially affect the character of the property and its surroundings.
6. Minor additions or deletions to a building or accessory building or structure which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.



8. Erection of any sign permitted in a residential district and any permitted non-illuminated wall sign not exceeding 32 square feet in area in a business or industrial district.
9. Construction of off-street loading areas and off-street parking areas containing five spaces or less in a business or industrial district.
10. Creation of outside storage in a business or industrial district which does not require structural changes or major grading and is not visible from a public street.
11. Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the Historic District. The Architectural Review Board shall periodically review the list of exemptions contained in this section and make recommendations to the Zoning Administrator as necessary to accomplish the purposes of these regulations or recommend to the Town Council that the list of exemptions be changed by amendment.

#### **Sec. 4.13.10 Approval of Architectural Review Board Required**

Except as herein provided no building or structure, including signs, shall be erected, reconstructed, restored or substantially altered in exterior appearance and no building or structure shall be razed or demolished within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Architectural Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural and/or architectural aspects of the structure and its surroundings. "Substantial alterations" shall be defined as any and all work done on buildings, structures or sites in a historic district other than those specifically exempted herein and other than the following general examples:

General examples of "non-substantial" alterations:

1. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of or damage to any structure or on any part thereof, or
2. To restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

Examples of work constituting "non-substantial alteration" include those minor actions exempted from review by Section 4.13.7.

General examples of work constituting "substantial alterations" include:

1. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District adjacent to a designated landmark site.
2. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour or outline.
3. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces and the like.
4. Addition or removal of one or more stories or alteration of a roof line.

5. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height.
6. All signs except those exempted in Section 506.
7. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the Historic District. In any case in which there might be some question as to whether a project may be exempted from review may constitute a minor action or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

**Sec. 4.13.11 Certificate of Appropriateness**

Evidence of the approval required under the terms of the Historic District (H) shall be a certificate of appropriateness issued by the Architectural Review Board, or the Administrator as the case may require, stating that the demolition, moving or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration for which application has been made are approved by the Architectural Review Board or the Administrator as the case may require. The Architectural Review Board, or the Administrator in a case within his authority, may permit modifications of original proposals if such modifications are formally acknowledged, clearly described and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

**Sec. 4.13.12 Standards for Review**

In order to achieve the purposes of the Historic District (H), the Administrator and the Architectural Review Board shall be guided in their decisions by the stated purposes of the Historic District (H) and by the standards and guidelines set forth below and as these may be supplemented from time to time by additional standards and guidelines adopted and published by the Architectural Review Board. In application of the standards and guidelines it should be recognized that a specific Historic District (H) in Pulaski may contain a considerable diversity in its architecture. Therefore, variety of architectural detail can be tolerated in such an area where such variety would not be acceptable in the case of an area or part of an area where consistency in architectural detail is the key to preservation of the charm of the Historic District. It shall be the duty of the Architectural Review Board to prepare and adopt specific guidelines, illustrated as necessary, for those historic districts which have special characteristics and architectural features which are peculiar to the district and which should be preserved, and to make these guidelines available to property owners within each historic district and to the general public. After these historic districts are approved, specific guidelines shall be adopted for such historic districts as may require specific guidelines.

1. General Guidelines for All Decisions
  - a. The public necessity of the proposed construction, demolition or use.
  - b. The public purpose or interest in land or buildings to be protected.
  - c. The historic or architectural value and significance of a particular structure and its relationship to the historic value of the surrounding area.
  - d. The age and character of an historic structure, its condition and its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.
  - e. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.

- f. The view of the structure or area from a public street or road present and future.
  - g. The present character of the setting of the structure or area and its surroundings.
2. Guidelines for New Construction
- a. Where new construction is proposed the design should take into account those special visual and special qualities that the Historic District (H) is established to protect, including building heights; scale of buildings; orientation, spacing and site coverage of buildings; facade proportions and window patterns; size, shape and proportions of entrance and porch projections; materials, textures, color; architectural details; roof forms; horizontal or vertical emphasis; landscaping, walls and fences. Since architectural styles and details vary from one section of the Historic District (H) to another, application of architectural guidelines for new construction should recognize relationships among buildings in the immediate setting rather than specific styles or details.
3. Guidelines for Rehabilitation or Alteration of Existing Structures
- a. Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the building structure or site and its environment, or to use a property for its originally intended purpose.
  - b. The distinguishing original qualities or character of a building structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
  - c. All buildings, structures and sites should be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance should be discouraged.
  - d. The age and character of an historic structure, its condition and its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.
  - e. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.
  - f. The view of the structure or area from a public street or road present and future.
  - g. The present character of the setting of the structure or area and its surroundings.
  - h. Every reasonable effort should be made to protect and preserve archeological resources affected by, or adjacent to any property.
  - i. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property and its surroundings.
  - j. Whenever possible, new additions or alterations to structures should be undertaken in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.
4. Guidelines for Moving or Relocation of a Landmark Building or Structure
- a. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.
  - b. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the district.

- c. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building or contributing structure.
  - d. Whether or not plans for future use of the site after relocation are appropriate at this location in the district.
  - e. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.
5. Guidelines for Demolition
  - a. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
  - b. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State or local historic landmark
  - c. Whether or not retention of the building or structure would help to preserve and protect an historic place or area of historic interest in the Town.
  - d. Whether or not plans for future use of the site after demolition are appropriate at this location in the district.
6. Guidelines for Signs. Signs should relate to, rather than obscure and disrupt, the design elements of the building with which they are associated or to which they are attached. Signs should also be compatible with other signs and buildings along the street. Considerations for compatibility include dimensions, materials, color, letter styles, legibility, lighting, overall effect and placement on the lot or on the building. In the business district projecting signs and detached signs should be limited to 32 square feet of sign area and should be non- illuminated or indirectly illuminated. Detached signs should not exceed fifteen feet in height.
7. Guidelines for Parking Areas. All parking areas should be suitably landscaped and where appropriate screened from public view by fences, walls or screen planting. Paved parking areas other than driveways should generally be located to the side or rear of buildings and not located between a building and the street.
8. Guidelines for Landscaping and Accessory Structures. Plants, trees, fencing, walls, walkways, gazebos and other out buildings should be retained or designed to reflect the property's history and development. Underground utilities should be encouraged at all locations. Mechanical equipment should be placed in inconspicuous locations. Municipal utility appurtenances should be selected to harmonize with the character of the Historic District or placed in inconspicuous locations.

**Sec. 4.13.13 Alternate Procedure: Offer to Sell**

In addition to the right of appeal herein above set forth, the owner of a designated landmark, building or structure, the razing or demolition of which is subject to the provisions of Section 607 hereof, shall as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) he has applied to the Town Council for such right; (2) the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that is willing to preserve and restore the landmark, building or structure

and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained.

Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew his request to the Town Council to approve the razing or demolition of the designated landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars; four months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars; five months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars; six months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars or more but less than ninety thousand dollars; and twelve months when the offering price is ninety thousand dollars or more.

**Sec. 4.13.14 Hazardous Buildings or Structures**

Nothing in this Article shall prevent the razing or demolition of any building or structure without consideration of the Architectural Review Board which is in such an unsafe condition that it would endanger life or property, and protection from such condition is provided for in the Building Code and/or other applicable Town ordinance. However, such razing or demolition shall not be commenced without written approval of the Town Engineer verifying the conditions necessitating such action.

**Sec. 4.13.15 Maintenance and Repair Required**

All buildings and structures in the Historic District (H) shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the Architectural Review Board, result in the irreparable deterioration of any exterior appurtenance or architectural feature or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself, including but not limited to:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration or crumbling of exterior plaster or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes and other forms of decay;
7. The lack of maintenance of surrounding environment e.g. fences, gates, sidewalks, steps, signs, accessory structures and landscaping;
8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

After notice by the Architectural Review Board by certified or registered mail of specific instances of failure to maintain or repair and of an opportunity to appear before the Architectural Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Architectural Review Board may order the Administrator, after due notice to the owner, to enter the property and make or cause

to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town from a fund established for such purposes.

**Sec. 4.13.16 File of Actions to be Maintained**

In order to provide guidance for application of standards and guidelines, for the improvement of standards and guidelines, and for assistance to future applicants and the promotion of consistent policies in guiding applicants toward better standards of design, the Administrator and the Architectural Review Board shall maintain a file containing a record of all applications brought before them, including drawings and photographs pertaining thereto and the decision of the Administrator or the Architectural Review Board in each case. The file documents shall remain the property of the Town but shall be held available for public review.

**Sec. 4.13.17 Administration**

1. Zoning Administrator. Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition or razing of a building or structure in the Historic District until the same has been approved by the Architectural Review Board as set forth in the following procedures.
2. Receipt of Application. Upon receipt of an application by the Zoning Administrator for each permit in the Historic District, the Zoning Administrator shall:
  - a. Forthwith forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant;
  - b. Maintain in his office a record of all such applications and of his handling and final disposition of the same;
  - c. Require applicants to submit three (3) copies of material required to permit compliance with the foregoing.
3. Material to be Submitted for Review. By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent. For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form the Administrator may require additional information, including photographs, sketches and samples of materials or such other information as may be required for a decision.
4. Other Approvals Required. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall

precede final action by the Architectural Review Board. The Board of Zoning Appeals may however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval. Preliminary subdivision plats shall be reviewed and commented upon by the Architectural Review Board prior to final action by the Planning Commission.

5. Action by the Architectural Review Board; Issuance of Certificates of Appropriateness. The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within 60 days after the filing of an application accepted as complete; failure of the Architectural Review Board to render such a decision within said 60-day period unless such period be extended with the concurrence of the applicant shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.
6. Expiration of Certificates of Appropriateness and Permits to Raze. Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve months after being commenced. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve months.
7. Inspection by Administrator After Approval. When a Certificate of Appropriateness has been issued, the Administrator shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Administrator may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

#### **Sec. 4.13.18 Delay of Approval**

In the case of a proposal other than for demolition or moving but involving a designated landmark where the Architectural Review Board, or, on appeal, the Town Council cannot reach a satisfactory agreement with the owner and where the Architectural Review Board or, on appeal, the Town Council decides such action to be in the public interest and not in conflict with any provision of law, it may delay the effective date of an approval for a period of three months from the date of application or appeal to enable negotiations to be undertaken and completed for acquisition of the property for preservation or public use. Failure of negotiations within this period shall be the equivalent of a denial of the application by the Architectural Review Board or, on appeal, by the Town Council.

**Sec. 4.13.19 Conditions Imposed by the Architectural Review Board**

In approval of any proposal under this section, the Architectural Review Board or, on appeal, the Town Council may limit such approval by such reasonable conditions as the case may require, including, but not limited to, the specifications enumerated for special exceptions and for the Board of Zoning Appeals.

**Sec. 4.13.20 Appeal to the Town Council**

An appeal from a decision of the Architectural Review Board may be taken to the Town Council by the owner of the property in question or by any party aggrieved by said decision, which shall include any owner of property in the same historic district. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Secretary of the Town Council all the papers constituting the record upon which the action appealed from was taken. The Town Council shall fix a reasonable time for the hearing, give public notice thereof as required by Article 9 hereof and decide the same within 60 days. Upon the hearing any party may appear in person or by agent or by attorney. In exercising its powers, the Town Council may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Architectural Review Board.

**Sec. 4.13.21 Appeal to the Circuit Court from a Decision of the Town Council**

An appeal from a final decision of the Town Council may be filed with the Circuit Court of Pulaski County within 30 days after said decision in the manner prescribed by law by the owner of the property in question or by the Architectural Review Board, or by any party aggrieved by said decision, which shall include any owner of property in the same historic district. The filing of an appeal shall stay the decision of the Town Council pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a designated landmark, building or structure. The court may reverse or modify the decision of the Town Council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

**Sec. 4.13.22 Violations and Penalties**

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, Article 9.

(The Historic District (H) was effective July 1, 1987.)



## Section 4.14 Flood Overlay District (FD)

### Sec. 4.15.1 General Provisions

#### SECTION 4.15.1-1. STATUTORY AUTHORIZATION AND PURPOSE.

Va. **Code** § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. **Code** § 15.2 - 2280.

The purpose of the provisions of this article is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
2. Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.
3. Requiring all those uses, activities and developments that do occur in flood prone districts to be protected and/or floodproofed against flooding and flood damage.
4. Protecting individuals from buying land and structures which are unsuited for their intended purposes because of flood hazards.

(Ord. No. 91-17, § 14-196, 7-2-1991)

#### SECTION 4.15.1-2. APPLICABILITY.

The provisions of this article shall apply to all lands within the jurisdiction of the town and identified as areas of special flood hazard *identified by the community* or shown on the flood insurance rate map (FIRM) or included in the flood insurance study (FIS) that are provided to the Town by the Federal Emergency Management Agency (FEMA).

(Ord. No. 91-17, § 14-197, 7-2-1991)

#### Sec. 4.15.1-3. Compliance, Liability, and Records.

1. No land shall be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations.
2. The degree of flood protection sought by the provisions of this article is considered the minimum reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that land or districts outside the floodplain district, or that land uses permitted within such district, will be free from flooding or flood damages.
3. This article shall not create liability on the part of the town or any officer or employee of the town

for any flood damages that result from reliance on this article or any administrative decision lawfully made pursuant to this article.

4. Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the Floodplain Administrator in perpetuity.

(Ord. No. 91-17, § 14-198, 7-2-1991)

**SEC. 4.15.1-4. ABROGATION AND GREATER RESTRICTIONS.**

This article supersedes any ordinance currently in effect in flood prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive.

**Severability**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable

(Ord. No. 91-17, § 14-199, 7-2-1991)

**SEC. 4.15.1-5. PENALTIES.**

1. Any person who fails to comply with any of the requirements or provisions of this article or directions of the building official or any other authorized employee of the town shall be guilty of a class 1 misdemeanor and subject to the penalties for a class 1 misdemeanor.
2. In addition to the penalties prescribed in subsection (1) of this section, all other actions are reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of or noncompliance with this article shall not excuse the violation or noncompliance nor permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.
3. The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of the Town are addressed in Article 9 of the Zoning Ordinance.

(Ord. No. 91-17, § 14-201, 7-2-1991)

**SEC. 4.15.1-6. DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* - A development action which will change the cross section of the floodplain and will increase either the erosive velocity or height of floodwaters either on site or off site. Alterations include, but are not limited to, land disturbing activities.

*Appurtenant or accessory structure* - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures are not to exceed 600 square feet.

*Relocation of a watercourse* - A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Basement* - Any area of the building having its floor sub-grade (below ground level) on all sides.

*Base flood and 100-year flood* - A flood that has a one percent chance of occurring each year, although the flood may occur in any year.

*Base flood elevation (BFE)* The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

*Board of Zoning Appeals* The board appointed to review appeals made by individuals with regard to decisions of the building official and/or Floodplain Administrator in the interpretation of this article.

*Cross section* -shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.

*Development* - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials.

*Elevated building* - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

*Encroachment* - the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction* - For the purposes of the insurance program, structures for which the "start of construction" commenced before August 1, 1978. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."

*Flood Insurance Rate Map (FIRM)* - An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

*Flood Insurance Study (FIS)* - A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

*Flood or Flooding:*

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in subsection 1.b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a. of this

definition.

*Floodplain:*

1. A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; or
2. An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

*Flood prone area* - Any land area susceptible to being inundated by water from any source.

*Flood-proofing* - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway*- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

*Freeboard* - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Highest adjacent grade* - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the secretary of the interior; or
  - b. Directly by the secretary of the interior in states without approved programs.

*Letters of Map Change (LOMC)* - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study.

*Lowest adjacent grade* - The lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest Floor* - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

*Manufactured home* A structure subject to federal regulations, 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 or without a permanent foundation when connected to the required facilities; and

includes the plumbing, heating, air conditioning and electrical systems contained in the structure. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park/subdivision* - A parcel or contiguous parcels of land divided into two or more lots for rent or sale.

*New construction*- For the purposes of determining insurance rates, new construction means structures for which the start of construction commenced on or after August 1, 1978 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the town and includes any subsequent improvements to such structures.

*Recreational vehicle* - A vehicle which is:

- (1) Built on a single chassis;
- (2) No more than 400 square feet when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

*Repetitive Loss Structure* - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

*Severe repetitive loss structure* - A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

*Shallow flooding area* - A special flood hazard area designated as an AO or AH zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Start of construction* - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

**Structure**- For floodplain management purposes structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

**Substantial improvement** - Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, *sanitary* or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Violation** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial damage resulting from flooding may occur.

(Ord. No. 91-17, §§ 14-202, 14-215, 7-2-1991)

**Cross references:** Definitions generally, § 1-2.

**SEC. 4.15.1-7. ADMINISTRATION.**

1. **Designation.** The Building Official/Zoning Administrator/Town Engineer is designated as the Floodplain Administrator. The Floodplain Administrator may:
  - a. Do the work themselves.
  - b. Delegate performance of certain duties to other employees.
  - c. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town Manager or his designee.
  - d. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
2. **General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section No. 7.6.2 "Granting of Variances" of this ordinance.
3. **Applications and permits.** The Floodplain Administrator, in coordination with other pertinent offices of the Town, shall:
  - e. Review applications and plans to determine whether proposed new development will be

- located in flood hazard areas.
- f. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this regulations.
  - g. Interpret floodplain area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation.
  - h. Provide available flood elevation and flood hazard information.
  - i. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
  - j. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  - k. Review applications to determine whether proposed development will be reasonably safe from flooding.
  - l. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
  - m. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
  - n. Coordinate with and provide comments to the Building Official/Zoning Administrator/Town Engineer to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
  - o. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
  - p. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
  - q. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
  - r. Administer the requirements related to proposed work on existing buildings:
    - i. Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
    - ii. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary

emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- s. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- t. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Pulaski have been modified and:
  - i. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - ii. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- u. Upon the request of FEMA, complete and submit a report concerning participation in the National Flood Insurance Program (NFIP) which may request information regarding the number of buildings in the Special Flood Hazard Area (SFHA), number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- v. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

SEC. 4.15.1-8 USE AND INTERPRETATION OF FIRMS [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

- 1. Where field surveyed topography indicates that adjacent ground elevations:
  - a. Are below the base flood elevation in riverine SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
  - b. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.



1. In FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
2. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
3. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
4. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
  - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
  - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

SEC. 4.15.1-10      *EXPIRATION.*

A floodplain development permit/permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

SEC. 4.15.1-11—416.1-30.      RESERVED.

**4.15.2      Establishment of Floodplain districts**

SEC. 4.15.2-1.      DESCRIPTION OF DISTRICTS.

1. *Basis of districts.*
  - a. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood as shown on The Flood Insurance Study and the Flood Insurance Rate Maps prepared for the County of Pulaski by the Federal Emergency Management Agency, dated September 26, 2008, and any subsequent revisions or amendments.
  - b. This subsection (1)(a) is for use where a floodway has been delineated.
    - i. The floodway district is an AE Zone and is delineated, for purposes of this section,

using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 1% chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in table 4 of the flood insurance study and shown on the accompanying Flood Insurance Rate Maps.

- ii. The **AE, or AH Zones** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE or AH zone [44 CFR 60.3(c)] where FEMA has provided base flood elevations. The basis for the outermost boundary of the district shall be the 1% chance flood elevations contained in the flood profiles of the flood insurance study and as shown on the accompanying Flood Insurance Rate Maps.
- c. The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 1% chance flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 1% chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the town.
- d. The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

1. *Overlay concept.*

- a. The floodplain districts described in subsection (a) of this section shall be overlays to the existing underlying districts as shown on the official zoning ordinance map; and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- b. In the event of any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- c. If any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. 91-17, § 14-215, 7-2-1991)

SEC. 4.15.2-2. OFFICIAL FLOODPLAIN MAP.

The boundaries of the floodplain districts are established as shown on the referenced Flood Insurance Rate Maps which are declared to the part of this article and shall be kept on file in the Town Engineering offices.

SEC. 4.15.2-3. SUBMITTING MODEL BACKED TECHNICAL DATA [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. No. 91-17, § 14-216, 7-2-1991)

SEC. 4.15.2-4. DISTRICT BOUNDARY CHANGES.

The delineation of any of the floodplain districts may be revised by the town where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed Letter of Record (LOR) is a record of this approval.

(Ord. No. 91-17, § 14-217, 7-2-1991)

SEC. 4.15.2-5. INTERPRETATION OF DISTRICT BOUNDARIES.

Initial interpretations of the boundaries of the floodplain districts shall be made by the building official. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. No. 91-17, § 14-218, 7-2-1991)

SEC. 4.15.2-5—416.2-300 RESERVED.

SEC. 4.15.3 DISTRICT PROVISIONS

SEC. 4.15.3-1. GENERAL PROVISIONS.

1. *Permit requirement.* All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a development permit or permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and chapter 74. Prior to the issuance of any such permit, the building official shall require all applications to include compliance with all applicable state and federal laws and review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
2. *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U.S. Army Corps of Engineers, the state water control board, and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management, and the Federal Emergency Management Agency.

3. *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - a. For structures to be elevated, the elevation of the lowest floor (including basement).
  - b. For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
  - c. The elevation of the 1% chance flood.
  - d. Topographic information showing existing and proposed ground elevations.
  - e. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
  - f. Existing and proposed alignment of any proposed alteration of a watercourse.
4. New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
5. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
6. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
10. *Manufactured homes.* Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent, reinforce foundations such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
11. *Recreational vehicles.*
  - a. Recreational vehicles placed on sites shall either:
    - i. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
    - ii. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in subsection (d) of this section.
  - b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

(Ord. No. 91-17, § 14-230, 7-2-1991)

SEC. 4.15.3-2. FLOODWAY DISTRICT.

In the floodway district, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.

(Ord. No. 91-17, § 14-231, 7-2-1991)

SEC. 4.15.3-3. PERMITTED USES AND ACTIVITIES IN THE FLOODWAY DISTRICT.

The following uses and activities are permitted in the floodway district provided they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials and equipment:

1. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
3. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
4. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.

(Ord. No. 91-17, § 14-232, 7-2-1991)

SEC. 4.15.3-4. FLOOD-FRINGE AND APPROXIMATED FLOODPLAIN DISTRICTS.

In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

(Ord. No. 91-17, § 14-233, 7-2-1991)

SEC. 4.15.3-5. DESIGN CRITERIA FOR UTILITIES AND FACILITIES.

1. *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems or discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.
2. *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
3. *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
4. *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in flood prone areas shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
5. *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. No. 91-17, § 14-234, 7-2-1991)

**Cross references:** Utilities, Ch. 86.

SEC. 4.15.3-6. SHALLOW FLOODING DISTRICT

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least one foot above the flood depth specified on the Flood Insurance Rate Map.
2. All new construction and substantial improvements of non-residential structures shall,
  - i. Have the lowest floor, including basement, elevated to at least one foot above the flood depth specified on the Flood Insurance Rate Map or,
  - ii. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

SEC. 4.15.3-6. ELEVATION AND CONSTRUCTION STANDARDS [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional the following provisions shall apply:

1. Residential Construction.

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH, and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level.

2. Non-Residential Construction

- a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level *plus eighteen (18) inches*.
- b. Non-residential buildings located in all A1-30, AE, and AH zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE *plus two feet* are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by Floodplain Administrator.

3. Space Below the Lowest Floor

In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

- a. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
- b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified

by a professional engineer or architect or meet the following minimum design criteria:

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

4. Accessory Structures

1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Article IV, 4.15.3-6(2) or, if not elevated or dry floodproofed, shall:
  - a. Not be used for human habitation;
  - b. Be limited to no more than 600 square feet in total floor area;
  - c. Be useable only for parking of vehicles or limited storage;
  - d. Be constructed with flood damage-resistant materials below the base flood elevation;
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
  - f. Be anchored to prevent flotation;
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - i. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    - ii. The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
    - iii. The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
    - iv. Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

SEC. 4.15.3-7. STANDARDS FOR SUBDIVISION PROPOSALS

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including

manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

SEC. 4.15.3-8—416.3-120. RESERVED.

**Sec. 4.15.4. Variances**

SEC. 4.15.4-1. FACTORS TO BE CONSIDERED.

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increase. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this Section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this Section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

1. In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in the zoning ordinance and consider the following additional factors:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the 100-year flood elevation.
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - e. The importance of the services provided by the proposed facility to the town.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.



- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  - j. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  - l. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - m. Such other factors which are relevant to the purposes of this article.
2. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
  3. Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.
  4. Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.
  5. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
  6. A record shall be maintained of the notification specified in subsection (e) of this section as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Emergency Management Agency.

(Ord. No. 91-17, § 14-250, 7-2-1991)

SECTIONS. 416.4-2—416.4-20. RESERVED.

#### **Sec. 4.15.5. Existing Structures in Floodplain Districts**

##### **SEC. 4.15.5-1. NONCONFORMING STRUCTURES AND USES.**

A structure or use of a structure or premises which lawfully existed before July 2, 1991, but which is not in conformity with this article, may be continued subject to the following conditions:

1. Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.
2. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.
3. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or

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use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.

(Ord. No. 91-17, § 14-260, 7-2-1991)

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## ARTICLE 5 DEVELOPMENT REGULATIONS

### Section 5.1 Amateur Radio Towers

**Definition:**

**Amateur Radio Towers** - A freestanding or building mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

**General Standards:**

1. Allowed as permitted use in all residential zoning district
2. Maximum height: 75 feet
3. Tower diameter: 3 feet
4. Setbacks from all principle buildings or structures on adjacent lots shall be a distance equal to the height of the tower or required yard setback whichever is greater
5. Roof mounted tower is not permitted in residential district.
6. Towers cannot be placed less than 8 feet from an overhead power line
7. Towers are not allowed in required side and rear setback.
8. Towers are not allowed in the front yard or in side yard with frontage on public streets.
9. Towers shall be of a natural metal color.
10. Building permit is required when tower is more than 10 feet in height and/or 18 inches in diameter and/ or more than 50 lbs. in weight in residential districts.
11. Towers higher than 50 feet will require a special exception

## Section 5.2 Wireless Telecommunication Facilities

It is the intent of this regulation to establish minimum standards for the location, construction and modification of wireless telecommunication facilities to promote provision of adequate telecommunication service to the community while minimizing adverse visual impact in the Town of Pulaski.

### Sec. 5.2.1 Definitions:

**Wireless telecommunications facility** - A wireless telecommunications facility consists of the equipment and structures utilized to transmit and/or receive telecommunication signals to and from any communications source which may also be connected to a mobile and/or stationary unit with land-based facilities including but not limited to antennas, towers and accessory structures.

**Antenna** - A structure or device that is used for the purpose of receiving and/or transmitting radio frequency signals that carry telecommunication information including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

**Roof-mounted antenna** - Any antenna along with supporting equipment attached to a roof or side of a building, or structure that is used for wireless telecommunications service.

**Co-location** - The reuse of the same tower or facility by multiple telecommunications provider which entails placement of antennas and equipment at different vertical or horizontal locations of the tower facility.

**Tower** - A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, or other similar apparatus aboveground for use as a wireless telecommunications facility.

**Small cell facility** - A type of wireless facility as defined in § 15.2-2316.3 of the Code of Virginia. These facilities increase capacity to a wireless provider's network in high-traffic areas. They are typically comprised of an antenna, enclosed or exposed, and associated wireless equipment.

**Wireless facility** - An equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

1. Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and
2. Radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

The definition of Wireless facility is as defined in §15.2-2316.3 of the Code of Virginia.

**Substantial modification of wireless support structure** - A substantial modification constitutes a substantial change in the physical dimensions of a tower or base station if it meets any of the following criteria:

1. Towers outside public rights-of-way:
  - a. Height. Increases height by more than 20 feet or 10 percent, whichever is greater.

- b. Width. Adds appurtenances that protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
2. Towers in public rights of way and for all base stations:
  - c. Height. Increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater.
  - d. Width. Adds appurtenances that protrudes from the edge of the structure more than 6 feet.
3. Equipment Cabinets:
  - e. Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
  - f. For towers and base stations in the public rights-of-way it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
4. Excavation or Deployment beyond the site:
  - g. Entails any excavation or deployment outside the current boundaries of the leased or owned property surrounding the tower or base station and any access or utility easements currently related to the site.
  - h. For other eligible support structures, it is restricted to the area in proximity to the structure and to other transmission equipment already deployed on the ground.
5. Concealment Elements:
  - i. A change is a substantial modification if it would defeat existing concealment elements of the tower or base station.
6. Conditions on Wireless Telecommunication Facility:
  - j. A change is considered a substantial modification if it does not comply with conditions associated with the prior approval of the tower or base station other than those conditions related to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

FCC still rules that Wireless Telecommunications Facility modifications remain subjected to building, structural and safety codes.

### **Sec. 5.2.2 Zoning Districts and Design Standards**

1. Site Selection:
  - a. Whenever feasible location of wireless telecommunication facilities should be considered in the town’s preferred order of priorities listed below from highest to lowest:
    - i. Existing tower or wireless telecommunication facilities structure without increasing height.
    - ii. Public or Town owned properties.
    - iii. Properties zoned Industrial (I-2 and I-1 zoning district).
    - iv. Properties zoned General Business District (B-2.)
    - v. Properties zoned Local Business District (B-1).
    - vi. Properties zoned Central Business District (B-2).
    - vii. Properties zoned residential (RR, R-1, R-2, R-3 zoning district).
2. Residential Districts (RR, R-1, R-2, R-3):

- a. Towers with height less than 50 feet are allowed as permitted use.
  - b. Towers with height less than 50 feet shall be setback from any property line a distance equal to the height of the tower or required yard setback whichever is greater.
  - c. Wireless Telecommunication Facility structures that are in existence and were legally installed at the time of initial construction maybe replaced, repaired and/or rebuilt without requiring substantial modification to allow for co- location of antennas and other facilities.
  - d. Towers with height more than 50 feet or which need setback to be reduced require a special exception.
    - i. Maximum height: 125 feet, accessory structures 15 feet.
    - ii. Setbacks: Condition of Special Exception.
    - iii. Buffer and Landscaping: Condition of Special Exception.
  - e. Roof mounted antennas or structures:
    - i. Roof mounted antennas or structures that do not require a special exception are required to not occupy more than 25% of the roof area.
    - ii. Roof mounted antennas or structures higher than 10 feet of the maximum height of the zoning district requires a special exception:
      - Maximum height: Condition of Special Exception.
      - Area covered by structure: Condition of Special Exception.
    - iii. Roof mounted antennas or structures are not permitted on single family dwellings or duplexes.
3. Commercial Districts (B-1, B-2, B-3):
- a. In B-3 district the towers with height less than 50 feet are allowed as permitted use provided they are camouflaged. In this case the setback may be less than required below as deemed appropriate by the Town Manager or his/her designee.
  - b. In B-1 and B-2 district towers with height less than 50 feet are allowed as permitted use.
  - c. Towers with height less than 50 feet shall be setback from any property line a distance equal to 80% of the height of the tower or required yard setback whichever is greater.
  - d. Towers with height more than 50 feet or which needs setback to be reduced requires a special exception:
    - i. Maximum height: Condition of Special Exception.
    - ii. Setbacks: Condition of Special Exception.
    - iii. Buffer and Landscaping: Condition of Special Exception.
4. Industrial Districts (I-1 and I-2):
- e. Towers with height less than 50 feet are allowed as permitted use.
  - f. Towers with height less than 50 feet shall be setback from any property line a distance equal to 50% of the height of the tower or required yard setback whichever is greater.
  - g. Towers with height more than 50 feet or which needs setback to be reduced requires a special exception:
    - i. Maximum height: Condition of Special Exception.
    - ii. Setbacks: Condition of Special Exception.
    - iii. Buffer and Landscaping: Condition of Special Exception.
5. Visual Impact: Adverse visual impact shall be avoided whenever feasible. Whenever impacts cannot be avoided they shall be minimized by:

- a. Designing structures that blend with the surrounding environment.
  - b. No advertisement.
  - c. No lights or signals or illumination shall be allowed except for safety or security reasons as required by the Federal Aviation Administration or other federal or state authority.
  - d. Paint colors for wireless telecommunication facility shall minimize visual impacts and subject to review and approval of the Town Manager or his/her designee.
  - e. Landscaping:
    - i. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
    - ii. A landscape plan showing planting in the perimeter and other parts of the property shall be provided, which is subject to review and approval.
6. Security: Wireless Telecommunication Facility shall be fenced or secured to prevent unauthorized access.
7. Signage:
  - a. Signs containing safety warnings, site identification and contact numbers are permitted.

**Sec. 5.2.3 Small Cell Facility**

1. Small Cell facility are those wireless facilities that meets both of the following qualifications per 15.2-2316.3 of the Code of Virginia shall be permitted in all zoning district:
  - i. each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and
  - ii. all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
2. Wireless facilities that does not meet the qualification of Small Cell facility will be deemed a Wireless Telecommunication Facility and required to meet the relevant sections of this regulation.

**Sec. 5.2.4 Permit Process**

1. Pre-application meeting. Attend a meeting with Town officials before submitting a formal application.
2. Application submittal.
3. Determination of application review and approval deadline per documentation provided by applicant.
4. Depending on the type and location of the wireless telecommunication facility the application may require a special exception.
5. Prior to building permit issuance all federal, state and county required licenses, registrations and permits must be submitted to the Town.

6. The Town's approval or denial shall be provided to the applicant in writing according to federal and state requirements.
7. The approval process for small cell facility will be in accordance with §15.2-2316.4 of the Code of Virginia, which establishes regulations for small cell telecommunications facilities seeking to co-locate on existing structures on private property or in the public right of way.
8. Small Cell telecommunication facilities that do not meet the definitions of small cell facility as defined in §15.2-2316.3 of the Code of Virginia shall follow the permit process of other types of wireless telecommunication facility as described in Sec 5.8.5 (1) to (6).

**Sec. 5.2.5 Permit application requirements**

1. Permit application requirements may vary depending on the type of facility and its location but will generally follow the following requirements:
  - a. Application permit for new wireless telecommunication facilities.
    - i. Location description.
    - ii. Property Owner's information.
    - iii. Property survey.
    - iv. Applicant information.
    - v. Site plan certified by a licensed professional engineer showing proposed wireless telecommunication facilities, access and other necessary details.
    - vi. Elevation drawings certified by a licensed professional engineer.
    - vii. Construction Plans.
    - viii. Visual impact assessment.
    - ix. Landscape plan.
    - x. Signage plan.
    - xi. The applicant shall determine the application's federal requirement for review and approval deadline substantiated with documents.
    - xii. Manufacturer's specification of all equipment.
  - b. Application permit for co-location facilities shall include following:
    - i. Location description.
    - ii. Property Owner's information.
    - iii. Property survey.
    - iv. Applicant information.
    - v. Site plan certified by a licensed professional engineer showing existing and proposed wireless telecommunication facilities for co-location and other necessary details.
    - vi. Elevation drawings certified by a licensed professional engineer.
    - vii. Landscape plan.
    - viii. Signage plan.
    - ix. The applicant shall determine the application's federal requirement for review and approval deadline substantiated with documents.
    - x. Manufacturer's specification of all equipment.
  - c. Application for small cell facility shall include:
    - i. Location description.



- ii. Property Owner's information.
- iii. Applicant information.
- iv. Site plan certified by a licensed professional engineer showing existing structure and other necessary details.
- v. Elevation drawings certified by a licensed professional engineer.
- vi. Manufacturer's specification of all equipment.

**Sec. 5.2.6 Constructions and Maintenance:** The owner of the tower shall ensure that all wireless telecommunication structures are constructed and maintained in compliance with standards and regulations per federal, state and local regulations.

**Sec. 5.2.7 Abandonment:** Any tower unused or left abandoned for more than 6 months or 12 months shall be removed by the tower owner.

**Sec. 5.2.8 Nonconforming Wireless Telecommunication Facilities:** Wireless Telecommunication Facilities that are in existence and were legally installed at the time of initial construction, which because of change of code are nonconforming maybe replaced, repaired and/or rebuilt subject to the following reasons:

1. To allow the facility to accommodate co-location of Wireless Telecommunication Facilities.
2. To prevent proliferation of wireless telecommunication facilities.
3. To improve the structural integrity of facility to allow co-location of facilities.

Nonconforming Wireless Telecommunication Facilities can be expanded or altered as long as it is not considered to be a substantial modification.

## Section 5.3 Off-Street Parking

It is the intent of this regulation that off-street automobile storage or parking space must be provided on every lot on which any permitted or Special Exception use is established.

### Sec. 5.3.1 General Requirements

1. Parking spaces for all dwellings and other uses shall be located on the same lot with the main buildings to be served.
2. Where parking requirement for a use is not specifically defined the requirement will be determined by the administrator.
3. If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, the administrator may allow such space to be provided on adjacent or other nearby property, provided that the following conditions are satisfied:
  - a. Such off-street parking space shall lie no further than six hundred (600) feet of the lot being served.
  - b. Show evidence of hardship/circumstances that prevent location of parking spaces on the same lot or property.
  - c. Show evidence of ownership or lease for at least 10 years of the property where such off-street parking shall be located.
4. The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;
5. Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;
6. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.
7. Any new use established in an existing building after the effective date of this ordinance shall provide off-street parking which conforms to the requirements of this section.
8. The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.
9. The administrator may allow developments to make joint use of parking space by two or more uses operating at different times.
10. Development can choose to have at least two (2) bicycle parking spaces or up to 4% of required parking spaces. Such spaces shall be credited toward the required parking spaces.

### Sec. 5.3.2 Site Development Requirements

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

1. A permit is required for development or redevelopment of any off-street parking areas when not part of an original development plan.
2. All such parking areas, except those serving one and two-family dwellings, shall be constructed with an all-weather surface. In industrial zoning districts vehicle parking or storing areas with less than 25 spaces maybe surfaced with gravel. These gravel parking areas must be screened from public view with an opaque screen.
3. Parking areas shall be subject to site plan review.

4. Parking lots shall be adequately drained. Where a creation of a paved or sealed parking lot will likely cause storm water run-off due to grade conditions, review and approval by the Administrator is necessary before the improvements are made.
5. Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:
  - a. Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage.
  - b. Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor twelve (12) feet to adjoining property lines, except on cul-de-sacs.
  - c. Wherever feasible, the administrator may authorize the establishment of a joint-use driveway serving two (2) or more abutting properties.
6. On-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces. The area to which the driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading, and parking maneuvers to be carried out on private property and completely off the street right-of-way. The points of ingress and egress to the parking area must be clearly defined by visual means.
7. On-site land area designed for parking, loading, and movement of vehicles shall be limited to two thirds ( $2/3$ ) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, signs, and other permitted uses.
8. Parking rows shall not be longer than 180 feet
9. Handicapped Accessible parking: handicapped accessible parking spaces shall comply with standards of the Virginia Uniform Statewide Building Code and American with Disabilities Act (ADA).

10. Dimensions of Parking spaces:  
 Table 1: Dimensions of Parking Spaces

Parking Angle	Parking Space Dimensions		Drive Aisle Dimensions	
	Parking Space Width	Parking Space Length	One Way Traffic	Two Way Traffic
90 degrees	10 feet	20 feet	24 feet	24 feet
90 degrees	9 feet	18 feet	24 feet	24 feet
60 degrees	10 feet	22 feet	18 feet or 15 feet	22 feet
45 degrees	10 feet	22 feet	14 feet	22 feet
30 degrees	10 feet	22 feet	13 feet	22 feet
0 degrees	10 feet	22 feet	13 feet	22 feet

Motorcycle space: 5 feet in width and 10 feet in length

11. Landscaping for Parking areas

- a. Parking areas with more than one hundred (100) spaces on a site shall have an interior landscaped island for every twenty (20) consecutive spaces in a row.
- b. Approximately eight (8)% of the total land area designed for parking, loading, and movement of vehicles shall be dedicated to landscape areas and buffers. Landscape areas shall include trees, shrubs and ground cover.

12. Loading and unloading spaces. The loading and unloading area shall be designed in such a way that it adequately meets the need of the uses within the property, and delivery vehicles can safely maneuver in and out of the property without encroaching on or obstructing any portion of the streets, drive aisle or parking spaces. Dimensions of such spaces shall require approval of the administrator.

**Sec 5.3.3 Parking Space Requirements for All Districts.**

Developments in all zoning districts within the town, except within the Central Business District (B-3) zoning district which are required to comply with Sec. 5.3.4, shall provide off-street automobile storage or parking space of area equal to at least the minimum requirement for the specific land use set forth and with vehicular access to a street or alley. In the event that a use is not covered in the minimum requirements, the zoning Administrator shall determine the minimum parking requirements. Whenever a fraction results, the Administrator shall round up the number.

Table 2: Off-Street Parking Space Requirement

Land Use	Parking Requirements
<b>Residential Uses</b>	
Single	Two (2) spaces for each dwelling unit
Two family	Two (2) spaces for each dwelling unit
Townhouse	Two (2) spaces for each dwelling unit
Multi-family	One (1) space per unit for one-bedroom apartments, One and a Half (1.5) spaces per unit for two-bedroom apartments, Two (2) spaces per unit for three-bedroom apartments with an additional parking space requirement to equal ten percent (10%) of the total unit count.
Mobile home parks and subdivisions	Two (2) spaces per mobile home.
Recreational vehicle parks	One (1) space plus additional space for each travel trailer, motor home, boat, or camper.
Boarding and rooming houses	One (1) space for each bedroom. One (1) space for each two (2) employees.
Assisted Living facilities and similar uses	One (1) space for each four (4) beds, plus one space for each employee on the maximum shift.
<b>Commercial, Civic and Public Assembly Uses</b>	
Artisan studio or work/live units	3 spaces per 1,000 square feet.
Automobile repair establishments	One (1) space for each 180 square feet, plus one (1) space for each employee.
Automobile Sales and/or Services	One (1) per 500 Sq. Ft. of enclosed sales/rental floor area, plus one (1) per 2,500 sq. Ft. of open display area, plus two (2) spaces per service bay, plus one (1) per employee, but not less than five (5) spaces.
Bowling alleys	Three (3) spaces for each alley, plus one (1) space for each (2) employees.
Business services, or personal service	One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per employee.
Car Wash	One space for every bay
Churches and other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
Cultural institution (Libraries, museums)	Three (3) spaces per 1,000 sq. ft.
Day care centers	One (1) for each employee, plus one (1) for each five (5) students, plus two (2) loading spaces.

**Town of Pulaski Zoning Ordinance**

Land Use	Parking Requirements
<b>Commercial, Civic and Public Assembly Uses</b>	
Gas Stations and convenience stores	4 spaces per 1000 square feet
Kennels and animal hospitals	Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
Hospitals and similar facilities	For the maximum working shift, two (2) spaces for each bed, plus one (1) space for each staff doctor, plus one space for each employee.
Hotels, motels	One (1) space for each bedroom, plus one (1) additional space for each two (2) employees
Medical, dental, and health offices and clinics	Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.
Office buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics	One (1) space for each 200 square feet of floor area, plus one(1) space per employee.
Mortuaries and funeral parlors	Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each employee, plus one (1) for each company vehicle.
Mixed-use buildings	Combination of individual residential and commercial parking spaces requirement.
Private clubs and lodges not providing overnight accommodations	One (1) space for each four (4) members or one (1) for each 400 square feet of floor area, whichever is greater, plus one (1) space per employee.
Parks and recreation facilities	2.5 spaces per 1,000square feet
Parks	1 space per 10,000 square feet of land
Governmental Offices Public Service facility	One (1) space for each 200 square feet of floor area plus, one (1) space for each employee.
Schools, including kindergartens play schools, and day care centers	One and one half (1 ½) space for each employee including teachers and administrators, plus five (5) spaces per classroom for high school and colleges. Or 1 space for each 300 square feet of office plus five (5) spaces per classroom.
Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements	One (1) space for each 4 seats or one (1) space for each 200 square feet of floor area, plus one (1) space for each employee.
Theaters, auditoriums, coliseums stadiums, and similar places of places of assembly.	One (1) space for each four (4) seats, plus one (1) space per employee.

Land Use	Parking Requirements
<b>Commercial, Civic and Public Assembly Uses</b>	
Food stores or Grocery Stores	One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the maximum shift.
Restaurants, including bars, brewpubs, cafes, taverns, night clubs, lunch and/or drinking establishments	. One (1) space per 150 Sq. Ft. of Gross Floor Area (GFA).
Retail Sales	One (1) space per 250 square feet of gross leasable area.
Vehicle Sales and/or Services	One (1) per 500 Sq. Ft. of enclosed sales/rental floor area, plus one (1) per 2,500 sq. Ft. of open display area, plus two (2) spaces per service bay, plus one (1) per employee, but not less than five (5) spaces.
Utilities, such as telephone exchanges and substations shift, radio and TV stations, and electric power and gas substations	One (1) space for each employee on the maximum plus three (3) spaces.
<b>Industrial Uses</b>	
Building Trade Services	One (1) space per 500 Sq. Ft. for the first 10,000 sq. ft. plus one (1) space for each additional 10,000sq. ft.
Industry Type I	One (1) space per 1,500 sq. ft. of area
Industry Type II	One (1) space per 1,500 sq. ft. of area
Manufacturing and establishments	One and two-tenths (1.2) spaces for each employee on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
Microbrewery and Micro distillery	One (1) space per 2000 sq. ft.; plus One (1) space per 150 sq. ft. of public floor area if tasting room included
Wholesale establishments	One (1) space for every fifty (50) square feet of customer service area, plus one (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
Nurseries	2.5 spaces per 1,000 square feet
Construction Yard	One space for every 600 square feet
Mini-Warehouse	Five (5) spaces, or one (1) for every fifty (50) storage bays,
Warehouse	2 spaces for every 1,000 square feet

**Sec 5.3.4 Parking requirements in Central Business District (B-3):**

It is the intent of this parking requirement to allow for flexibility within the B-3 district to spur redevelopment and revitalization within this district.

*Table 3: Off-Street Parking Requirement in B-3 District*

Land Use	Parking Requirement
<b>Residential</b>	
Single	Two (2) spaces for each dwelling unit
Two family	Two (2) spaces for each dwelling unit
Townhouse	Two (2) spaces for each dwelling unit
Multi-family	One (1) spaces per single- and two-bedrooms unit and one and a half (1 ½) spaces for multi-bedrooms units.
<b>Commercial and other uses</b>	
Offices/Retail/Restaurant	Exempted from parking requirement
Other Uses	Provide parking analysis demonstrating that sufficient private off-street parking is available, or public on-street or off-street parking is available in the vicinity.

**Sec 5.3.5 Parking Lot Maintenance**

All parking spaces shall be maintained in a proper state of repair and kept free from hazardous conditions. Potholes and cracks must be repaired and sealed before they become a major hazard.

Parking spaces must be striped in conformance with the parking dimension standards. Stop signs, crosswalk signs, fire lanes and one-way notices must be well placed to help ensure pedestrian safety in parking lots.



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## Section 5.4 Signs

### Sec. 5.4.1 Purpose and Intent.

1. The purpose of this chapter is to promote and protect the public health, welfare, and safety of the residents of the town, protect property values, create a more attractive economic and business climate, and enhance and protect the aesthetics and character of The Town of Pulaski. It is intended to reduce distractions, obstructions and hazards to pedestrian and motorist/wheeled traffic to promote safety and orderly flow of vehicular traffic. It is also meant to allow for adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, and will continue to take effect without the invalid provision.

Signs may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. This chapter regulates size, color, illuminations, movement, material, location, height, number of signs, alterations, removal and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, and protection against destruction of or encroachment upon historic areas.

2. Signs not expressly permitted as being allowed by right or by special exception under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the Town Council or Board of Zoning Appeals are prohibited.
3. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (1) of this section.
4. These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
5. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

### Sec. 5.4.2 Definitions:

Sign - Any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or character) visible to and designed to communicate information to persons in a public area. However, the term "sign" does not include public art, holiday displays, or architectural

features, except those that identify products or services or advertise a business use. The term “sign” also does not include the display of merchandise (Section 22-1) for sale on the site of the display, which is regulated by another Chapter of the Town Code of Ordinance.

1. Sign Area - The width multiplied by the height of a rectangle encompassing the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.
2. Sign face- The portion of a sign structure bearing the message.
3. Sign structure - Any structure bearing a sign face.
4. Advertising - Any words, symbol, color or design used to call attention to a commercial product, service or activity.
5. Animated Sign - A sign or part of sign that is designed to rotate, move or appear to rotate or move, by any means, including fluttering, rotating or otherwise moving, or set in motion, by movement of the atmosphere. Such a sign is sometimes referred to as a “moving sign.”
6. A-frame/Sandwich Board Sign - A two-faced sign with supports that are connected at the top and separated at the base, forming an “A” shape, and not secured or attached to the ground or surface upon which it is located. It is also referred to as a “sandwich board” sign, and included in the term “portable sign”.
7. Awning/Canopy Sign -- a sign which is painted on, printed on or attached directly to a canopy.
8. Banner - A temporary sign of flexible material designed to be installed with attachments at each of four corners.
9. Bench Sign - A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.  
Billboard (Outdoor Advertising) Sign -- A structural poster, panel, or painted sign, either free standing or attached to a building for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located. All outdoor advertising shall comply to the Laws of Virginia Relating to Outdoor Advertising then in effect.
10. Building frontage - The maximum width of a building measured in a straight line parallel with the front lot line/ abutting road right-of-way.
11. Chalk-board sign – A single-faced, framed slate or chalk-board that can be written on with chalk or similar markers.
12. Changeable copy sign -A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.
  - a. Changeable Copy, Electronic Sign -- A sign whose message can be changed electronically through the use of lights. LED Electronic Sign.
  - b. Changeable Copy, Manual Sign -- A sign designed so that the characters or letters can be changed or rearranged manually without altering the underlying face or size of the sign.
13. Entrance Sign - A permanent sign located at the entrance of a subdivision, housing development, farm, estate, or an industrial park.
14. Feather sign - A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop.
15. Flag - A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants.
16. Flashing sign - A sign that includes lights that flash, blink, or turn on and off intermittently.
17. Freestanding Sign – Any non-portable sign which is supported by a fence, retaining wall, or by upright structural members or by braces on or in the ground and not attached to a building.
18. General Advertising Sign - An off- premise sign which directs attention to a product, commodity or service.

19. Ground mounted sign - A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall.
20. Height - The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
  - a. Existing grade prior to construction; or
  - b. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.
21. Holiday Displays - Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.
22. Illuminated Sign - A sign that is backlit, internally illuminated, or indirectly illuminated, but does not include a neon sign.
23. Inflatable Sign - Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
24. Marquee - A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
25. Marquee Sign - A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.
26. Menu Board Sign -- a sign at the entrance lane of a drive-through establishment having a sound system associated with the sign for the purpose of placing an order to be picked up at the drive-through window.
27. Minor Sign - A secondary or ancillary wall or freestanding sign not exceeding two (2) square feet in area, not exceeding four (4) feet in height, and not illuminated for the purposes of facilitating safe passage and efficient circulation including, but not limited to: security, ingress/egress, open/close, hours of operation, and wayfinding.
28. Monument Sign - A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.
29. Neon Sign - A sign made of continuous luminous tubes containing neon or other inert gases that glow brightly when high voltage is applied.
30. Nonconforming Sign - Any sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Article of the Zoning Ordinance and which fails to conform to current standards and restrictions of the Zoning Ordinance.
31. Off-premises Sign - A sign that directs attention to a business, product, service or activity conducted, sold or offered at a location other than the premises on which the sign is erected.
32. Pennant - A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.
33. Plaque - An ornamental tablet, typically of metal, porcelain, or wood, that is fixed to a wall or other surface
34. Pole Sign -A sign that is mounted on one or more freestanding poles with clearance from the bottom of the sign to the ground below that exceeds thirty (30) inches.
35. Portable Sign. Any temporary sign not affixed to a building, structure, vehicle or the ground. It does not include a flag or banner.
36. Projecting Sign -- A sign which is attached nominally perpendicular to a building, wall, roof, facade, canopy, marquee, or porch.

37. Roof line. The highest point of a flat roof and mansard roof and the lowest point of a pitched roof.
38. Roof sign. A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- Note: Roof signs are not allowed in residential zoning districts. Roof signs may only be permitted on property that is zoned commercial and that is unable to place a Freestanding or Wall Sign due to nature of the building or site.
- OR Roof Sign -- A sign which is erected or constructed and maintained from the roof of a building.
39. Shopping Center Sign Plan – A plan for the signage of group of enterprises which is:
- (1) designed as a single group, whether or not on the same parcel; or
  - (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or
  - (3) connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous commercial area.
40. Suspended Sign -- A sign which is suspended nominally parallel from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, chains, or the like.
41. Temporary Sign -- A sign made of durable or nondurable material which is intended for a limited period of display. Or
- Temporary Sign -- A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.
42. Temporary Development Sign -- A temporary on-premise sign for an ongoing development or newly developed subdivision or housing development or sites in an industrial park.
43. Vehicle or Trailer Sign - Any sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, produce, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of advertising if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.
44. Wall Sign -- A sign which is painted on or attached directly to an outside building wall, the face of which is parallel to the wall.
45. **Sign, Types of Copy.**
- a. Double-Faced Sign -- a sign with two parallel, or nearly parallel, faces, which are placed back to back and are separated by not more than twenty-four (24) inches.
  - b. Multiple Sign -- a freestanding sign structure on which more than one single-faced or double-faced sign may be mounted within an overall frame.
  - c. Single-Faced Sign -- a sign on which a message is displayed on one side thereof only.
46. Window sign - A sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a structure so that its message can be read from the exterior of the structure including but not limited to window paintings, applied graphics, and signs located inside a building but visible primarily from the outside of the building.
47. Window sign, permanent - Any window sign that does not meet the definition of a temporary window sign.

48. Window sign, temporary - Any window sign that is composed of ink, paint or other applied product which is not designed to withstand fading, chipping or peeling over time or that is constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate.
49. Yard sign - A temporary sign placed upon or supported by the ground independently of any other structure, but not including any A-frame sign.

### Sec. 5.4.3 Sign Permit Required

A sign permit including a Certificate of Zoning Compliance is required prior to the display, installation use, alteration, relocation, replacement and/or reconstruction of any sign except as provided in Sec. 5.3.5 of this Article.

1. Application for permit.
  - a. Application for sign permit including the Certificate of Zoning Compliance shall proceed in accordance with the specified procedures of Sections 702.1 - 702.4, as appropriate. Failure to adhere to the requirements of this Ordinance automatically cancels any such Certificate which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith;
  - b. In fulfillment of the site plan requirements under Sections 702.2 and/or 702.4 as appropriate, all applications for a Building Permit and Zoning Compliance shall be accompanied by two (2) copies of plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support. The specifications shall include design and wind load engineering calculations, as required by the project scope;
  - c. Applications for a Certificate of Zoning Compliance shall be reviewed and decided as specified in Section 702.2 and/or 702.4 as appropriate, with the following specific provisions:
    - i. The Town of Pulaski Building Inspector shall review and approve all sign plans and specifications prior to issuance of the Certificate of Zoning Compliance;
    - ii. The application shall require the signature of the owner of the lot(s) in question, and of the tenant of such lot, if there be any tenant.
2. Permit fee. A nonrefundable fee as set forth and adopted by the Town Council shall accompany all sign permit applications.
3. Duration and revocation of permit. If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The Town may revoke a sign permit under any of the following circumstances:
  1. The Town determines that information in the application was materially false or misleading;
  2. The sign as installed does not conform to the sign permit application; or
  3. The sign violates the zoning ordinance, building code, or other applicable law, regulation or ordinance.
4. Temporary sign permit: Application for a temporary sign is required and shall be reviewed and issued by the Town of Pulaski Building Inspector. The permit will be valid for the duration it is approved from the date it was issued.
5. Overlay district regulations. All signs in the Historic Overlay District (H) require approval of the Architectural Review Board (ARB) except when a sign permit is not required as provided in Section 5.3.5.

**Sec. 5.4.4 Signs requiring Special Exception Approval**

The following signs shall require approval and permit issuance as Special Exceptions under the provisions of this Chapter. Grounds for such approval shall be based on whether the sign is viewed as appropriate to the proposed location in terms of scale, compatibility with surrounding land uses, traffic, and safety:

1. Signs attached to or using balloons as a primary sign element.
2. Signs in excess of 50 square feet, but not exceeding 100 square feet for public or government buildings to include public schools
3. Off - Premise Sign:
  - a. Bench signs, bus benches and bus shelters shall be permitted, subject to the following requirements:
    - i. No person, firm, corporation, club or other entity (hereinafter referred to as the "sponsor") shall place a bus bench, bench sign or bus shelter within any right-of-way in the City without an agreement with the Town Council authorizing said sponsor to place benches within rights-of-way in the Town.
    - ii. Bus shelters and bus benches shall only be permitted at designated bus stops along existing bus routes that are deemed appropriate by the Town
    - iii. Bus shelters and bus benches shall not be permitted in locations where, in the opinion of the Town Manager or designee, will adversely affect the safety of motorists, bicyclists or pedestrians.
  - b. Billboards shall be permitted on parcels with a zoning designation of \_I1 and I2 subject to the following requirements:
    - i. Minimum Lot size: 3 acres
    - ii. Minimum Lot Frontage: 200 feet
    - iii. Sites abutting to SR 611 and SR 99

**Sec. 5.4.5 Signs that do not Require a Permit**

The following signs, shall be allowed in all districts, and shall be exempt from permit requirements when placed with permission of the land owner:

1. Temporary Signs
  - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.
  - b. Paper temporary signs in show windows, not to exceed thirty-two (32) square feet;
  - c. Signs advertising sale, rental, or lease of land or building(s), provided that:
    - i. In residential districts, the signs shall not be in excess of six (6) square feet;
    - ii. In business districts, temporary signs having a maximum aggregate area not to exceed thirty-two (32) square feet provided that no sign shall project more than five (5) feet beyond the face of the building. Limited to one (1) sign per business.
    - iii. In industrial districts, the sign shall not be in excess of ninety (90) square feet.
    - iv. Temporary (for sale/rent/lease) sign shall be removed within ten (10) days following transfer of title to the property advertised.
2. Plaque which shall be no more than two (2) square foot in area and of which no more than two (2) shall be permitted per lot
3. Flags up to 16 square feet in size not containing any advertising of products or services or business use; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
4. Any A-frame signs located in areas that is permitted which is twenty-four (24) square feet or less placed more than 10 feet away from the nearest public right-of-way.
5. The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with Sec. 5.3.9.

6. One bulletin board, not exceeding thirty-two (32) square feet in area.
7. Plaque
8. Signs erected by a governmental body or required by law. Traffic or other official public signs or notices posted or erected by or at the direction of a local, state, or federal governmental agency such as the Virginia Department of Transportation (VDOT), or a public utility company;
9. 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 one (1) square foot;
10. Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
11. Permanent window signs that do not exceed twenty-five (25) percent of the total glass area square footage of the door or window.
12. Minor Sign which are temporary, non-illuminated, and limited to four square feet in area.
13. A vehicle or trailer sign attached to or displayed on a vehicle, if the vehicle or trailer is used for the primary purpose of advertising a business establishment, product, service or activity. Any such vehicle or trailer shall, without limitation, be considered to be used for the adding additional signage beyond allowed of this regulation if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.

#### **Sec. 5.4.6 Signs Prohibited in all Districts**

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited in all districts:

1. General prohibitions.
  - a. Any sign which violates any provision of federal or state law relating to outdoor advertising; Signs that violate any law of the Commonwealth relating to outdoor advertising.
  - b. Any sign attached or painted to natural vegetation
  - c. Any sign which simulates, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized town official.
  - d. Vehicle or trailer signs.
  - e. Freestanding and monument signs more than 25 feet in height
  - f. Any sign which advertises a business which is no longer in operation at the site in question
  - g. Any sign displayed without complying with all applicable regulations of this chapter.
2. Prohibitions based on materials.
  - a. Any sign or illuminating device(s) for signage which causes glare onto any roadway, building or land other than the building or land on which the sign is necessary;
  - b. Animated signs. Any sign which is designed to--and effectively does--distract the attention of passing motorists on any highway by loud and blatant noises, by obstructing vision, or by employing externally visible mechanical movement or rotation; This subsection does not apply to flags expressly permitted under this article or the changeable copy sign where the message content changes no more than once every seven seconds.
  - c. Signs painted directly on a building, except where expressly permitted by this chapter.

- d. Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
  - e. Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
  - f. Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
  - g. Signs that emit sound.
  - h. Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
  - i. Strings of flags visible from, and within 50 feet of, any public right-of-way.
  - j. Pole signs less than 6 feet in height.
3. Prohibitions based on location.
- a. Any sign which is a located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard;
  - b. Any sign which obstructs any door opening or window used as a means of ingress or egress;
  - c. Any sign erected or painted upon a public right-of-way, tree, fire escape, or utility pole;
  - d. Off-premises signs, unless specifically permitted by this chapter.
  - e. Signs erected on public land or public rights-of-way, other than those approved by an authorized Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.
  - f. Signs on the roof surface or extending above the roofline of a building or its parapet wall.
  - g. Neon signs, except in windows.
  - h. No sign of any kind shall be located to interfere with the clear line-of-sight for motor vehicle, bicycle or pedestrian traffic. Any signs found to be in violation will be immediately removed at the sole discretion of the city code enforcement officer.
  - i. Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

**Sec. 5.4.7 Sign regulations applicable to all signs/Signs standards and criteria**

1. Classifications of Sign Types:

<b>Freestanding</b>	<b>Wall</b>	<b>Temporary signs</b>
Billboard/Bench Sign/off-Premise sign	Awning/Canopy Sign	A-Frame/Sandwich Board/Portable Sign
Entrance Sign	Chalk-board Sign	Banner
Ground Mounted Sign	Marquee Sign	Feather Sign
Minor Sign	Minor Sign	Flag Sign
	Projecting Sign	Pennants
	Roof Sign	Inflatable Sign
	Suspended Sign	Temporary Development Sign
		Yard Sign



2. Changeable copy signs:
  - a. Shall be allowed as freestanding signs, as part of freestanding signs, or as wall signs if:
    - i. they are encased or at a height such as not to be accessible to vandals; and
    - ii. they are securely and permanently anchored to the ground or the structure.
3. Sign Lighting.
  - a. Signs may be self-illuminating or illuminated from an exterior light.
  - b. In the case of exterior or indirect lighting, the source shall be so shielded that it illuminates only the face of the sign.
  - c. Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause glare into or upon any property other than the property to which the sign may be accessory.
4. Sign Area and Height.
  - a. Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.
    - i. Calculation of Allowable Sign Area.
      - (1) For the purpose of determining the area of signs, the total area is the width multiplied by the height of a rectangle encompassing the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Three-dimensional signs shall be measured at the largest vertical cross section.
      - (2) Only one side of a double-faced sign or canopy sign shall be included in the calculation of area where the sign faces are arranged to be viewed one at a time. Only two sides of a canopy sign shall be included in the calculation of area when the sign faces are arranged to be viewed two at a time.
      - (4) Distribution of Signage: where more than one business activity is located within a single building on an individual lot, maximum copy area is to be divided and distributed by the owner or manager among the several business activities within the building.
    - ii. Multiple frontages: where a lot fronts two different roads, the maximum copy area for signage may be doubled. The additional signage, however, is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both corner lots and double frontage (through) lots.
    - iii. Height: height of the sign is measured from elevation of road grade at the nearest point on the frontage road, to the top of the sign.
5. Freestanding Sign Regulations.
  - i. Only one freestanding sign per lot.
  - ii. No part of the freestanding sign shall be extended beyond required sign setback.
6. Wall Signs, Suspended Signs, Roof Signs, and Projecting Signs.
  - a. Degree of Projection.
    - (1) In the B-3 district, for any lot in which a building directly abuts the sidewalk at the front lot line, no wall, suspended, or projecting sign shall extend more than two-thirds (2/3) the width of the sidewalk. For all other lots in the B-3 district, subsection 2 below shall apply.

- (2) In all districts except the B-3 district, no wall, suspended, or projecting sign shall extend more than eighteen (18) inches from the building to which it is attached, except for canopy signs, which may project no more than three inches beyond the edge of the canopy.
  - b. Upper Height of Sign. No part of any wall, suspended, or projecting sign shall project above the lowest point of the roof. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.
  - c. Lower Height of Sign. No part of any wall, suspended, or projecting sign shall be any less than eight (8) feet above the ground directly beneath the sign.
7. Menu Boards.
  - a. Menu Board signs shall be allowed only with drive-in establishments.
  - b. The face of the menu board sign shall be directed away from any adjacent residential properties.
  - c. Volumes associated with loudspeakers shall be such that nearby residents are not likely to be disturbed by excessive noise associated with order placing and order pickup.
8. Use of Multiple Sign Structure.
  - a. While not required, it is recommended that a multiple sign be used where more than one business is located on a lot. In all cases, only one freestanding sign per lot shall be allowed, regardless of the number of businesses per lot.
  - b. Any multiple sign structure shall use a unified design concept, such that signs within the structure shall in the Administrator's judgment have a substantially unified or harmonious appearance in color, style, size, shape, graphics, and illumination.
9. Unified Design Concept for Business Complexes.
  - a. A multiple sign structure meeting the requirements of Sec. 506.9-8 shall be used to fulfill the freestanding sign allowance for any business complex, if any freestanding sign is desired.
  - b. Size, height, location, material, and color of the sign and sign structure shall in the Administrator's judgment strongly relate to building and site design.

**Sec. 5.4.8 Maintenance and Removal of Signs**

1. All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
2. All signs and sign structures shall be kept in good repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Uniform Statewide Building Code;
3. Signs which becomes a safety hazard or 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 Ordinance within thirty (30) days following dysfunction, abandonment, or notice from the Town.
4. The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee.
5. The owner of any advertising sign, other than a permitted off-premises sign, located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
6. Any sign which is unauthorized or prohibited or constitutes a nuisance may be abated by

the Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

**Sec. 5.4.9 Nonconforming Signs**

All signs lawfully in existence at the time of adoption of this Chapter or prior ordinances which do not conform to the provisions of this chapter shall be deemed to be nonconforming signs. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the property owner.

1. A nonconforming sign shall not be increased, enlarged upon, expanded, or extended;
2. Any damage to a nonconforming sign shall be repaired within 60 days or the sign shall be removed;
3. A nonconforming sign shall not be resumed for use after a discontinuance of twenty-four (24) months;
4. No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
5. Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
6. No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
7. A nonconforming sign shall be removed under one or all of the following conditions:
  - a. maintenance of the sign is not done such that the paper, paint, or other similar media are faded beyond recognition or otherwise rendered in such a state of disrepair that the original message is no longer effective for a continuous period of twenty-four (24) months; A nonconforming sign structure shall be subject to the removal provisions of Section 5.4.8, Maintenance and Removal. In addition, a nonconforming sign structure shall be removed by the owner or lessee of the property if the use to which it is accessory has ceased operations for a period of two (2) years or more.
  - b. The face is not used for its intended purpose for a continuous period of 90 days following notification by the Town;
  - c. Where the owner fails to remove the sign, the locality may upon thirty (30) days' notice, initiate action to have the sign removed and charge the owner with the removal costs." OR "If the owner or lessee fails to remove the sign structure within the prescribed amount of time, the Zoning Administrator, or designee, shall give the owner 15 days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator, or designee, may enter the property upon which the sign is located and remove said sign or may initiate such action as may be necessary to gain compliance with this Section. The cost of such removal shall be chargeable to the owner of the property."

**Sec. 5.4.10 Signs Regulation by zoning district**

The following signs require a permit in the following districts without a public hearing provided they do not exceed the sign type, size, and number restriction in the Tables below and provided further that a maximum of three signs are allowed per lot and the maximum square footage for all signs located on one lot shall not exceed the maximum sign area/lot as specified in the Tables for the respective zoning district in which the lot is located. Sec. 5.3.10-1 Permanent Signage

Within the Residential Zoning Districts (RR, R-1, R-2, R-3, R-4, MH-1 and RO) the following signs

are permitted:



**Town of Pulaski Zoning Ordinance**

**Sec. 5.3.10-1 Permanent Signage**

Within the Residential Zoning Districts (RR, R-1, R-2, R-3, R-4, MH-1 and RO) the following signs are permitted:

Zoning Districts	Land Use	Freestanding	Wall	Entrance Sign	Other Limitations
RR, R-1, R-2, R-3, R-4, MH-1 and RO	Single Family and Two Family		<ol style="list-style-type: none"> <li>Maximum Sign area: 4 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</li> </ol>
	Multifamily		<ol style="list-style-type: none"> <li>Maximum Sign area: 24 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</li> </ol>
	Non-Residential Uses	<ol style="list-style-type: none"> <li>Maximum Sign area: 32 square feet</li> <li>Maximum number: 1 per lot.</li> <li>Setbacks: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> <li>No Freestanding sign shall be located closer than twenty-five (25) feet from any other such sign.</li> <li>signs located next to an access driveway shall be located so that their placement does not constitute a public safety or sight visibility hazard as determined by the Town engineer.</li> <li>Maximum height: 6 or 8 feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum Sign area: 32 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum number of Signs per Lot: 3</li> <li>Maximum Sign area per lot:</li> <li>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</li> </ol>

Within Commercial Zoning Districts (B1, B2 and B3) the following signs are permitted:

Zoning Districts	Land Use	Freestanding	Wall	Entrance Sign	Other Limitations
B1, B2 and B3	Single Family and Two Family		<ol style="list-style-type: none"> <li>Maximum Sign area: 4 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</li> </ol>
	Multifamily		<ol style="list-style-type: none"> <li>Maximum Sign area: 24 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<p>Maximum number of Signs per Lot: 3 Maximum Sign area per lot</p> <p>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</p>
	Commercial Uses, Civic and other uses	<ol style="list-style-type: none"> <li>Maximum Sign area: 100 square feet</li> <li>Maximum number: 1 per lot. If abutting two right-of way 1 additional monument sign is allowed with a maximum area of 32 square feet</li> <li>Setbacks: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> <li>No Freestanding sign shall be located closer than twenty-five (25) feet from any other such sign.</li> <li>signs located next to an access driveway shall be located so that their placement does not constitute a public safety or sight visibility hazard as determined by the Town engineer</li> <li>Maximum height: 25 feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum Sign area: one (1) square foot in area for every one (1) foot of building frontage, not to exceed 100 square feet.</li> <li>Maximum number: 2 per lot.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum number of Signs per Lot: 3</li> <li>Maximum Sign area per lot:</li> </ol> <p>Entrance Sign maybe permitted at the main entrance to a subdivision, housing development, farm, estate, or industrial park. The sign may be illuminated, shall be designed and constructed</p>

**Town of Pulaski Zoning Ordinance**

**Industrial Districts. Within industrial district (I1 and I2) the following signs are permitted**

Zoning Districts	Land Use	Freestanding	Wall			Other Limitations
I1 and I2	Single Family and Two Family		<ol style="list-style-type: none"> <li>Maximum Sign area: 4 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	7.	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	Entrance Sign maybe permitted at the m housing development, farm, estate, or inc illuminated, shall be designed and constr
	Multifamily		<ol style="list-style-type: none"> <li>Maximum Sign area: 24 square feet</li> <li>Maximum number: 1 per lot.</li> </ol>	9.	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	Entrance Sign maybe permitted at the m housing development, farm, estate, or inc illuminated, shall be designed and constr
	Commercial Uses, Civic and other uses	<ol style="list-style-type: none"> <li>Maximum Sign area: 100 square feet</li> <li>Maximum number: 1 per lot. If abutting two right-of way 1 additional monument sign is allowed with a maximum area of 32 square feet</li> <li>Setbacks: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> <li>Maximum height: 25 feet</li> <li>No Freestanding sign shall be located closer than twenty-five (25) feet from any other such sign.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum Sign area: one (1) square foot in area for every one (1) foot of building frontage, not to exceed 100 square feet.</li> <li>Maximum number: 2 per lot.</li> </ol>	11.	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum number of Signs per Lot:</li> <li>Maximum Sign area per lot:</li> <li>Freestanding Sign shall be setback line. The side street setback shall be (25) feet</li> <li>No Freestanding sign shall be locate from any other such sign.</li> <li>signs located next to an access driv their placement does not constitu visibility hazard as determined by Sign maybe permitted at the ma housing development, farm, estate may be illuminated, shall be design</li> </ol>
	Industrial Uses	<ol style="list-style-type: none"> <li>Maximum Sign area: 100 square feet</li> <li>Maximum number: 1 per lot. If abutting two right-of way 1 additional monument sign is allowed with a maximum area of 32 square feet</li> <li>Setbacks:</li> <li>Maximum height: 25 feet</li> <li>No Freestanding sign shall be located closer than twenty-five (25) feet from any other such sign.</li> </ol>	<ol style="list-style-type: none"> <li>Maximum Sign area: one (1) square foot in area for every one (1) foot of building frontage, not to exceed 100 square feet.</li> <li>Maximum number: 2 per lot.</li> </ol>	13.	<ol style="list-style-type: none"> <li>Maximum area: 50 sq. ft.</li> <li>Maximum height: 6 ft.</li> <li>Setback: 10 feet from front property line. 15 feet from side property line and the side street setback shall be a minimum of twenty-five (25) feet</li> </ol>	<ol style="list-style-type: none"> <li>Maximum number of Signs per Lot:</li> <li>Maximum Sign area per lot:</li> <li>Freestanding Sign shall be setback line. The side street setback shall be (25) feet</li> <li>No Freestanding sign shall be locate from any other such sign.</li> <li>signs located next to an access driveway placement does not constitute a public s as determined by the Town engineer Entrance Sign maybe permitted at the m housing development, farm, estate, or inc illuminated, shall be designed and constr</li> </ol>



Appendix A- Temporary Signs

Sec. 5.4.10-2: Temporary Sign Requirements

Zoning Districts	Land Use	A-Frame/Sandwich Signs	Portable Signs (on wheels or temporary stand)	Banner Signs	Feather Signs	Flag Signs	Inflatable Signs	Pennants	Yard Signs	Temporary Development Sign	Other Limitations/Requirements
RR, R-1, R-2, R-3, R-4, RMH-1, MHP and RO	Single Family and Two-Family Dwellings	Not permitted	Not permitted	i. Maximum area (per banner sign): 8 sq. ft. ii. Maximum number: 1 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per feather sign): 8 sq. ft. ii. Maximum number: 1 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersections.	i. Maximum area (per Flag sign): 8 sq. ft. ii. Maximum number: 1 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per inflatable sign): 8 sq. ft. ii. Maximum number: 1 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per Pennant sign): 8 sq. ft. ii. Maximum number: 1 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per yard sign): 8 sq. ft. with a combined total of 18 sq. ft. ii. Maximum number: 3 per dwelling unit. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum Sign area: 32 sq. ft. ii. Maximum number: 1 per subdivision. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. A permit may be granted for banners, feather, inflatable, flag, pennants and inflatable signs for no more than 14 calendar days in any three-month period. ii. A permit for a yard sign shall not exceed the duration of sixty (60) calendar days. iii. The Temporary Subdivision Development Sign shall be removed by subdivider when eighty (80) percent of the lots in said subdivision are sold and shall not be illuminated. iv. No Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.
	Multifamily	Not permitted	Not permitted	i. Maximum area (per banner sign): 24 sq. ft. ii. Maximum number: 1 per multifamily development OR 1 per 100 feet of frontage. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per feather sign): 24 sq. ft. ii. Maximum number: 1 per multifamily development or OR 1 per 100 feet of frontage. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per Flag sign): 24 sq. ft. ii. Maximum number: 1 per multifamily development or OR 1 per 100 feet of frontage. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per inflatable sign): 24 sq. ft. ii. Maximum number: 1 per multifamily development or OR 1 per 100 feet of frontage. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per Pennant sign): 24 sq. ft. ii. Maximum number: 1 per multifamily development or OR 1 per 100 feet of frontage. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum area (per yard sign): 24 sq. ft. with a combined total of 72 sq. ft. ii. Maximum number: 3 per multifamily development. iii. Maximum Height: 10 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. Maximum Sign area: 32 sq. ft. ii. Maximum number: 1 per lot. iii. Maximum Height: 8 feet. iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.	i. A permit may be granted for banners, feather, inflatable, flag, pennants and inflatable signs for no more than 14 calendar days in any three-month period. ii. A permit for a yard sign shall not exceed the duration of sixty (60) calendar days. iii. The Temporary Subdivision Development Sign shall be removed by subdivider when eighty (80) percent of the lots in said subdivision are sold and shall not be illuminated. iv. No Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.

Zoning Districts	Land Use	A-Frame/Sandwich	Portable Signs (on wheels or temporary stand)	Banner Sign	Feather Sign	Flag Sign	Inflatable Sign	Pennants	Yard Signs	Temporary Development Sign	Other Limitations/Requirements
RR, R-1, R-2, R-3, R-4, RMH-1, MHP and RO	Non-Residential Uses	<p>i. Maximum Sign area: 24 square feet</p> <p>ii. Maximum number: 1 per business or use.</p> <p>iii. Maximum Height: 4 feet.</p> <p>iv. Setback: 5 ft. from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 24 square feet.</p> <p>ii. Maximum number: 1 per lot</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per banner): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per feather sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per flag sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per inflatable sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per pennant sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per yard sign): 24 square ft. with combined total of 72 square feet.</p> <p>ii. Maximum number: 3 per lot.</p> <p>iii. Maximum Height: 10 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 32 sq. ft.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 8 feet.</p> <p>iv. Setback: 5 feet from front property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. A-Frame and Sandwich signs shall be removed at the close of each business day and in the event of an emergency or impending natural disaster.</p> <p>ii. Portable signs shall only be allowed for a maximum of thirty (30) days.</p> <p>iii. Portable signs shall not be placed in parking spaces, vehicular accessway and sidewalks.</p> <p>iv. A permit may be granted for banners, feather, inflatable, flag, pennants, yard and inflatable signs for no more than 14 calendar days in any three-month period.</p> <p>v. Setbacks and height of temporary sign may be required to be less than maximum allowable to take into consideration adjacent utilities lines and poles.</p> <p>vi. No Portable/Yard/Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.</p>
B1, B2 and B3	Any Uses	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per business or use.</p> <p>iii. Setback: 5 or 10 feet from property line or public right-of-way.</p>	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum area (per banner): 32 sq. ft.</p> <p>ii. Maximum number: 1 per 100 feet of street frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area (per feather sign): 32 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area (per flag sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area (per inflatable sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area (per pennant sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area (per yard sign): 50 square ft. with combined total of 100 square feet.</p> <p>ii. Maximum number: 3 per lot.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 ft. from front property line and 10 feet from side property line.</p>	<p>i. Maximum Sign area: 32 sq. ft.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 or 10 feet from front property line and 10 feet from side property line.</p>	<p>i. A-Frame and Sandwich signs shall be removed at the close of each business day and in the event of an emergency or impending natural disaster.</p> <p>ii. Portable signs shall only be allowed for a maximum of thirty (30) days.</p> <p>iii. Portable signs shall not be placed in parking spaces, vehicular accessway and sidewalks.</p> <p>iv. A permit may be granted for banners, feather, inflatable, flag, pennants and inflatable signs for no more than thirty (30) calendar days in any three-month period or in case of special event for duration of the event.</p> <p>v. Temporary Signs for a new business may be allowed for a period not to exceed 90 days till the permanent sign is up.</p> <p>vi. Setbacks and height of temporary sign may be required to be less than maximum allowable to take into consideration adjacent utilities lines and poles.</p> <p>vi. No Portable/Yard/Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.</p>

Zoning Districts	Land Use	A-Frame/Sandwich	Portable Signs	Banner	Feather Sign	Flag Sign	Inflatable Sign	Pennants	Yard Signs	Temporary Development Sign	Other Limitations/Requirements
I1 and I2	Any Uses	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per business or use.</p> <p>iii. Maximum Height: 4 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum area (per banner): 32 sq. ft.</p> <p>ii. Maximum number: 1 per 100 feet of street frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area(per feather sign): 32 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 or 20 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per flag sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area (per inflatable sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area (per pennant sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area (per yard sign): 50 square ft. with combined total of 100 square feet.</p> <p>ii. Maximum number: 3 per lot</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area: 32 sq. ft.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. A-Frame and Sandwich signs shall be removed at the close of each business day and in the event of an emergency or impending natural disaster.</p> <p>ii. Portable signs shall only be allowed for a maximum of thirty (30) days.</p> <p>iii. Portable signs shall not be placed in parking spaces, vehicular accessway and sidewalks.</p> <p>iv. A permit may be granted for banners, feather, inflatable, flag, pennants, yard and inflatable signs for no more than thirty (30) calendar days in any three-month period or in case of special event for duration of the event.</p> <p>v. Temporary Signs for a new business may be allowed for a period not to exceed 90 days till the permanent sign is up.</p> <p>vi. Setbacks and height of temporary sign may be required to be less than maximum allowable to take into consideration adjacent utilities lines and poles.</p> <p>vii. No Portable/Yard/Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.</p>
Dropsite	Any Uses	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per business or use.</p> <p>iii. Maximum Height: 4 feet.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum area (per banner): 32 square feet.</p> <p>ii. Maximum number: 1 per 100 feet of street frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 32 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area (per inflatable sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area (per pennant sign): 24 square feet.</p> <p>ii. Maximum number: 1 per use OR 1 per 100 feet of frontage.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. Maximum Sign area (per yard sign): 50 square ft. with combined total of 100 square feet.</p> <p>ii. Maximum number: 3 per lot.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections.</p>	<p>i. Maximum Sign area: 32 sq. ft.</p> <p>ii. Maximum number: 1 per lot.</p> <p>iii. Maximum Height: 15 ft.</p> <p>iv. Setback: 5 feet from property line for properties not adjacent to intersection. 10 ft (or adequate setback for sight distance) for properties adjacent to intersections</p>	<p>i. A-Frame and Sandwich signs shall be removed at the close of each business day and in the event of an emergency or impending natural disaster.</p> <p>ii. Portable signs shall only be allowed for a maximum of thirty (30) days.</p> <p>iii. Portable signs shall not be placed in parking spaces, vehicular accessway and sidewalks.</p> <p>iv. A permit may be granted for banners, feather, inflatable, flag, pennants, yard and inflatable signs for no more than thirty (30) calendar days in any three-month period or in case of special event for duration of the event.</p> <p>v. Temporary Signs for a new business may be allowed for a period not to exceed 90 days till the permanent sign is up.</p> <p>vi. Setbacks and height of temporary sign may be required to be less than maximum allowable to take into consideration adjacent utilities lines and poles.</p> <p>vii. No Portable/Yard/Temporary Development sign shall be located closer than fifteen (15) feet from any other such sign.</p>



## ARTICLE 6 NON-CONFORMING LOTS, BUILDINGS, AND USES

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance 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 Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their expansion, 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 Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

### Section 6.1 Lots of Record.

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

1. A single non-conforming lot of record at the time of the enactment or amendment of the Ordinance 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 regulations for the district in which such lot is located, except as provided by Section 6.1.2.
2. If any structure or portion thereof on a non-conforming lot is destroyed by a natural disaster or manmade calamity and where the physical configuration of the non-conforming lot will not permit the district requirements for area, or width, or depth, or setbacks to be met by a new structure, then such new structure may be rebuilt upon the area occupied by all portions of the previous structure. Restoration shall commence within twelve (12) months of the date of casualty and be completed within twenty-four (24) months of the date of casualty.  
An extension of the twenty-four (24) month deadline for reconstruction may be given by the Zoning Administrator upon the applicant's demonstration of either satisfactory progress of the reconstruction or extenuating circumstances which in the opinion of the Zoning Administrator, makes necessary an extension of the period allowed for the commencement of and/or completion of the reconstruction. Extenuating circumstances justifying an extension may be economic due to the disaster or calamity and/or legal, or other circumstances beyond the control of the owner.
3. Variance of yard requirements may be obtained only through appeal to the Board of Zoning Appeals, as outlined in Section 7.6.
4. Where a non-conforming structure, located on a non-conforming lot is the subject of a lawfully ordered demolition, or is demolished by the owner in the exercise of their rights of ownership, the owner may build a new structure on the area occupied by all portions of the previous structure after being granted a ~~special-exception~~ use permit subject to the notice, hearing, and procedural requirements for a special exception as set forth in Section ~~7.2.4~~ 7.6.4 of the Zoning Regulations-Town of Pulaski, Virginia.
5. A lot of record that cannot accommodate the construction of a reasonably sized structure, as determined by the evaluation of similar properties within the same block and zoning district,

fronting the same street, due to the front (and side if a corner lot) setback requirements of the respective zoning district may be permitted a less than required setback but not less than the average of the setbacks on the existing developed lots within the same block and zoning district, fronting the same street. (Adopted May 3, 2022/ Ordinance 2022-04)

## **Section 6.2 Nonconforming Structures.**

Where a lawful structure exists at the time of enactment or amendment of this Ordinance 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 Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration within two (2) years and meeting building codes;
2. No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity;
3. Notwithstanding the provisions of Section 6.2.2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements, the 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;
5. Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.

## **Section 6.3 Nonconforming Uses of Land**

Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure or (2) 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 or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;
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 Ordinance;
3. In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

## **Section. 6.4 Nonconforming Uses of Structure**

Where a lawful use involving an individual structure or structures in combination, exists at the time of enactment or amendment of this Ordinance, that would not be permitted in the district in which it is located



under the requirements of this Ordinance, 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 Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;
2. Should a structure or portion thereof containing a nonconforming use be destroyed by any means other than fire or act of God, it shall not be reconstructed for any nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.
3. Any structure or portion thereof destroyed by fire or act of God or declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration if the work is done within two (2) years;
4. 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;
5. When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three-year period, 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;

## **Section 6.5 Replacement of Obsolete Structure**

Any non-conforming mobile home which lawfully existed at the time of adoption of this ordinance or an amendment as either a non-conforming structure or a non-conforming use of land may at any time be replaced with a larger mobile home, provided that at the time of such replacement the owner of the lot shall provide evidence satisfactory to the zoning administrator that a mobile home of the same size as the existing mobile home is no longer being manufactured, and further provided that sanitary (septic or sewer) requirements can be met for the larger structure and that the setback regulations for the zoning district are met with the replacement mobile home. This section shall not apply if a variance to the applicable setback regulations would be required to place the larger structure on the lot.

## ARTICLE 7 ADMINISTRATION

These regulations shall be administered in accordance with the provisions below.

### Section 7.1 Zoning Administrator

#### **Sec. 7.1.1 Appointment.**

The Zoning Administrator shall be appointed by the Town Council. It shall be the duty of the Zoning Administrator and such deputies as are appointed by him to enforce the provisions of this Ordinance. It shall be the duty of all officers and employees of the Town to assist in the enforcement by reporting to the Zoning Administrator any seeming violation in new construction, reconstruction, or land use. In all cases, final authority in matters so delegated shall remain with the Town Council.

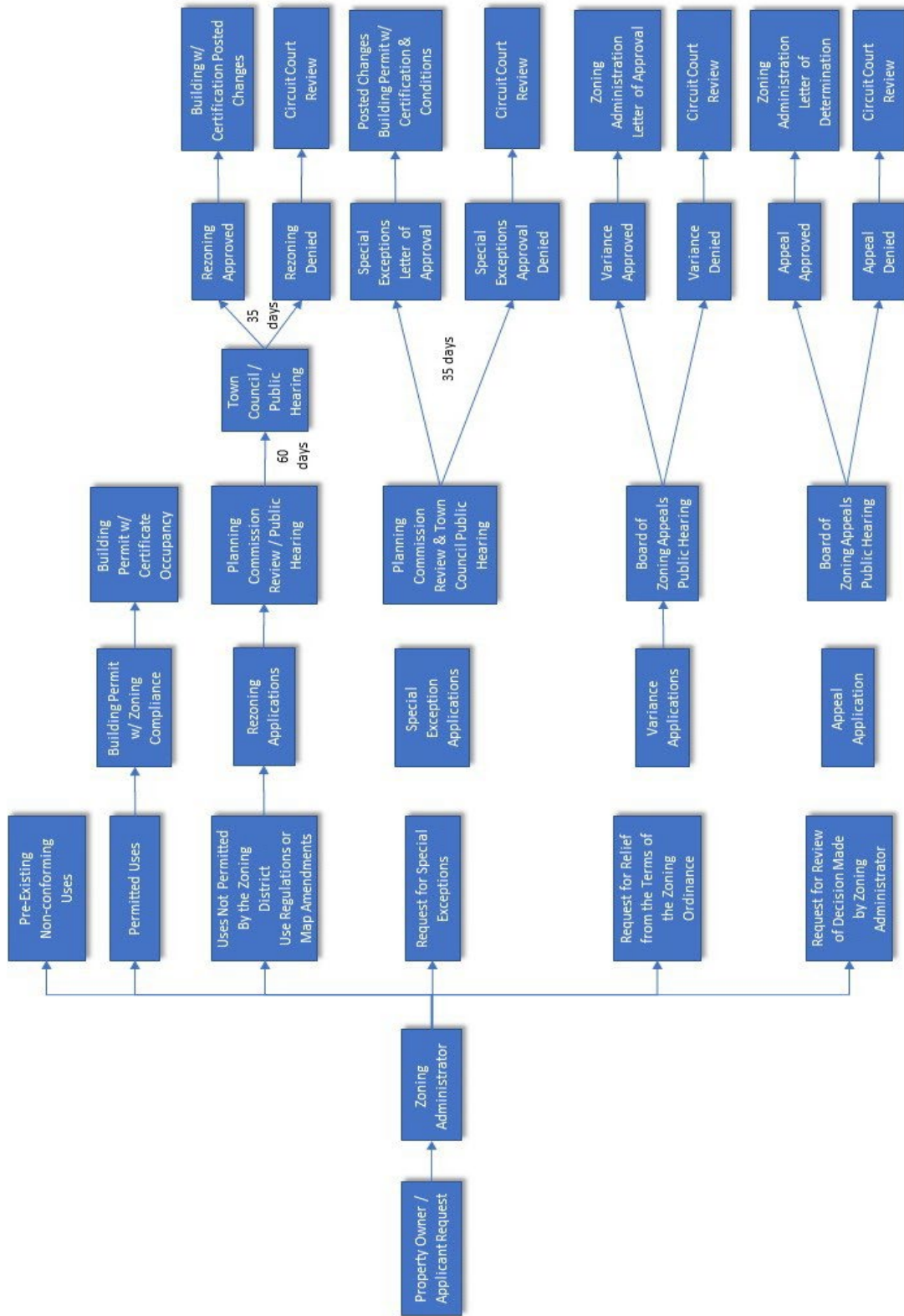
#### **Sec. 7.1.2 Powers and Duties Relating to Zoning.**

The Zoning Administrator is authorized and empowered on behalf of and in the name of the Town Council to administer and enforce the provisions set forth herein. These powers include receiving applications for permits issued pursuant to this Chapter; inspecting premises; and evidencing Zoning compliance in the Building Permit and Certificate of Occupancy processes, and conformity with all other permits and licenses as may be referenced in this Chapter. The Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce this Chapter, including the ordering, in writing, the remedy for any condition found in violation of this Chapter, and the bringing of legal actions, including injunction, abatement, or other appropriate action or proceeding, to insure compliance with this Chapter. The Zoning Administrator does not have the authority to take final action on applications or matters for which final action is reserved to the Board of Zoning Appeals or Town Council, such as those involving variances or Special Exceptions.

#### **Sec. 7.1.3 Zoning Administration Process.**

Figure 1 outlines the administrative process to be followed under various provisions of this Chapter. Specific provisions for administering these provisions is contained in the text of this Chapter.

Figure 1  
Zoning Administration Process



## **Section 7.2 Certificate of Zoning Compliance Procedures**

### **Sec. 7.2.1 Issuance and Display of the Building Permit including Certification of Zoning Compliance.**

The Zoning Administrator or his deputies shall issue a building permit documents which contain certification of compliance with this Ordinance for any permitted use or any structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. A Letter Approval shall be required for any use allowed by the granting of a Special Exception or a variance. Such Letter of Approval shall be in addition to the Building Permit required (see Sec. 7.2.2.4) or the resolution granting the variance (see Sec. 7.6). The zoning compliance documentation shall indicate whether the use is a permitted use, a Special Exception, or a variance. If the Certification is issued pursuant to a project involving construction or reconstruction of a structure, the Building Permit containing the Certification shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

### **Sec 7.2.2 Application Procedure for Permitted Use.**

Applications for Building Permits contain certification of Zoning Compliance and shall be reviewed by the Zoning Administrator or his deputies in accordance with the following provisions:

1. Certification of Zoning Compliance for a permitted use shall be considered at the time of application for a renovation or new construction project building permit; or, in cases where no building permit is required, at the time of a request for utility service. When required, the application shall be accompanied by two (2) copies of a site plan with such reasonable information shown thereon as may be required by the Zoning Administrator to determine compliance with this Chapter. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;
2. The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.
3. If the proposed use or construction described in the application required by Section 7.2.2.1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town including but not limited to the required:
  - (1) Health Department approval of individual sewage disposal system;
  - (2) Highway Entrance Permit;
  - (3) Flood Insurance - Flood plain Ordinance;

- (4) Erosion and Sediment Control Ordinance Plan;
- (5) Virginia Statewide Uniform Building Code;

then the Building Permit shall be signed and one (1) copy of the site plan and building permit shall issue to the applicant. The Zoning Administrator shall retain the application and one (1) copy of the site plan for his records;

- 4. If the application and site plan submitted describes work which does not conform to the requirements set forth herein, a building permit shall not be issued, but one (1) copy of the site plan shall be returned to the applicant along with a written and signed refusal. 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 Building Official shall retain one (1) copy of the site plan and one (1) copy of the refusal.

**Sec. 7.2.3 Application Procedure for Non-Conforming Uses.**

When a non-conforming use or structure, is brought to the attention of the Zoning Administrator, the owner of the property upon which such use or structure is located will be notified of such non-conformance and will have ninety (90) days from the date of such notice to provide the Zoning Administrator with clear and convincing evidence that the use or structure was in existence on the effective date of this ordinance.

Upon receipt of such proof, satisfactory to the Zoning Administrator, a non-conforming use permit may be issued. The failure to provide such proof shall constitute prima facie evidence that the use is in violation of this ordinance. All determinations made by the Zoning Administrator pursuant to this section may be appealed to the Board of Zoning Appeals pursuant to this ordinance. Copies of all determinations shall be provided to the Planning Commission and the Town Council at their next meeting following the date of the determination.

The owner of a parcel containing a use which becomes non-conforming due to the amendment of this ordinance may apply for a non-conforming use permit within twelve (12) months from the effective date of the amendment.

The issuance of a non-conforming use permit shall not permit the enlargement, extension, movement or alteration of a non-conforming use.

**Sec. 7.2.4 Application Procedures for Special Exceptions.**

- 1. Applications for a Special Exception Permit for a special exception shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for appropriate action as specified in this Section. Applications for Special Exception Permits shall be submitted in accordance with the following procedures:
- 2. An application shall, as required, be accompanied by two (2) copies of a site plan drawn with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences;

names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;

Each application for a Special Exception Permit shall be accompanied by payment of a fee as set forth in Article 8 to help defray the cost of publicizing and conducting the public hearing;

3. The application shall be sent to the Planning Commission for review and recommendation, and said Commission shall have ninety (90) days within which to submit a report recommending approval or denial of the application. If the Commission fails to submit a report within a ninety (90) day period, it shall be deemed to have approved the proposed special exception;
4. The Town Council shall consider the proposed Special Exception after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed special exception within thirty (30) days from the date of the public hearing. If so desired by mutual agreement between the Planning Commission and the Town Council, a joint public hearing may be held under the provisions of Sec. 15.2-2204 of the Code of Virginia (1950) as amended;
5. In evaluating the proposed Special Exception, the Planning Commission and the Town Council shall consider the following concerns:
  - a. The character of the existing neighborhood and the compatibility of the proposed use with adjacent and nearby properties;
  - b. The effect of the proposed use on existing and projected traffic volumes in the neighborhood;
  - c. The current and future need for the proposed use in the Town; and
  - d. The effect of the proposed use on neighborhood property values;
  - e. The relationship of the proposed use to the Town Comprehensive Plan;

**SEC. 72.4-6 ADDITIONAL REQUIREMENTS.**

1. In approving a proposed Special Exception, the Town Council may stipulate 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 stipulated by the Town Council;
2. If the Town Council approves the application for a proposed Special Exception, the Zoning Administrator shall issue a Letter of Special Exception Approval, indicating the conditional nature of the use;
3. If the Town Council disapproves the application for a proposed Special Exception, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;
4. A property owner, or his appointed agent, shall not initiate action for a Special Exception Permit for the same special exception affecting the same parcel of land more often than once every twelve (12) months;

5. A Special Exception Permit shall be put into effect six (6) months after the date the Permit is issued, or else the Permit shall become void, unless otherwise provided in the permit itself.
6. If a Special Exception Permit specifies a life span or expiration date for the Permit, renewal of such Permit shall not require a public hearing unless the original conditions in the permit are changed; however, the Town Council shall consider such renewal at a regular or called meeting, and notice of the renewal shall be shown on the agenda of the Town Council;

**Sec. 7.2.5 Application Procedures for Amendment to Zoning Text or Zoning Map (Rezoning).**

The Town Council may from time to time amend this Chapter or district maps whenever the public necessity, convenience, general welfare, or good zoning practice require. Any resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state which of the above public purposes is intended by the proposed amendment.

1. Applications for amendments may be initiated: (a) by resolution of the Town Council; (b) by recommendation of the Planning Commission; or (c) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the subject property. Such resolution, recommendation, or petition shall be submitted in writing to the Zoning Administrator.
2. The Zoning Administrator shall present the application to the Planning Commission as soon as is practicable after such application is received. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended.

The Commission shall then present the proposed amendment along with appropriate explanatory materials to the Town Council with its recommendations. If the Commission fails to submit its recommendations within sixty (60) days of the first meeting of the Commission after the proposed amendment has been referred to it, the Commission shall be deemed to have approved the proposed amendment;

3. The Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment within thirty-five (35) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia;
4. Any application for an amendment may be withdrawn without prejudice prior to action thereon by the Town Council at the discretion of the person, firm, corporation, or public body initiating such a request, upon written notice to the Zoning Administrator;
5. No more than one application for the same or substantially the same amendment affecting a specific parcel of land shall be initiated during any twelve (12) month period.

**Section 7.3 Procedures for Proffering Conditions**

**Sec. 7.3.1 Intent.**

The intent of this section is to provide (pursuant to Sections 15.2-2296 through 15.2-2302 of the Code of Virginia (1950) as amended) for 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.

**Sec. 7.3.2 Proffer of Conditions.**

An owner may proffer reasonable conditions, in addition to the regulations established elsewhere in this Chapter, as part of an amendment to the zoning district regulations or the zoning district map. The proffered conditions shall be in writing and shall be made prior to the public hearing before the Town Council. In addition, all of the following conditions shall be met:

1. the rezoning itself must give rise to the need for the conditions;
2. the conditions proffered shall have a reasonable relation to the rezoning;
3. the conditions proffered shall not include a cash contribution to the Town;
4. the conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities, not provided for under any concurrent subdivision of the property;
5. the conditions shall not include payment for or construction of off-site improvements, other than any which may be required under a concurrent subdivision of the property;
6. no condition shall be proffered that is not related to the physical development or physical operation of the property; and
7. all such conditions shall be in conformity with the Town Comprehensive Plan.

**Sec. 7.3.3 Effect of Proffered Conditions**

Upon Acceptance. Once proffered and accepted as part of an amendment to this Chapter, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive revision of this Chapter.

**Section 7.4 Certificate of Occupancy**

Certificates of Occupancy shall be issued which includes a provision that the project has been constructed in accordance with the following provisions:

**Sec. 7.4.1 Certificate of Occupancy Required.**

A certificate of Occupancy shall be required in advance of occupancy or use of:

1. A building hereafter erected;
2. A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;
3. A change of type of occupancy or use of any building or premises.

**Sec. 7.4.2 Issuance of Certificate of Occupancy.**

The Certificate of Occupancy shall be signed and issued when the land use or building, as finally constructed, complies with the sketch or plan submitted and the provisions of the Building Code and this Ordinance.



## Section 7.5 Organization of the Board of Zoning Appeals

The Board of Zoning Appeals shall be organized as set forth in the *Code of Virginia 1950, as amended*, §§15.2-2308-15.2-2315.

### Sec. 7.5.1 Board of Zoning Appeals: Composition; Nomination of Members; Appointment of Members; Vacancies; Terms of Office; Qualifications; Compensation; Alternate Members; Contracting for Services; Removal from Office.

1. Membership & Term of Office. The Board of Zoning Appeals for the Town of Pulaski, Virginia shall consist of five (5) regular members and two (2) alternates. Both regular members and alternates shall be appointed by the Circuit Court of Pulaski County for terms of five (5) years except that original appointments shall be made for such terms that the term of one member shall expire each year. Appointments shall be made only for the unexpired portion of the term.<sup>1</sup>
2. Notification of Vacancies. The secretary of the board shall notify the court promptly if any vacancy occurs and shall notify the court a minimum of thirty (30) days in advance of the expiration of a term of office. A member whose term expires shall continue to serve until their successor is appointed and qualifies. Members may be appointed to succeed themselves.<sup>2</sup>
3. Qualifications for Office. Both members and alternates of the board: (1) shall be residents of the locality; and, (2) shall hold no other public office in the locality, except that one member may be a member of the planning commission.<sup>3</sup>
4. Nomination of Prospective Members by Council. The Council may approve a written resolution, duly voted upon and recorded in the public records of the Town, nominating a candidate who qualifies for membership on the BZA either as a regular member of or as an alternate. Said resolution shall be transmitted to the Circuit Court of Pulaski County for the Court's consideration regarding appointment of the nominee to the board as a regular member or alternate.
5. Qualifications and Seating of Alternate Members for Hearings. The qualifications, terms and compensation of alternate members shall be the same as regular members. If a regular member knows they will be absent from a meeting or have to abstain from any application at a meeting, they must notify the chairman twenty-four hours (24) prior to the meeting. The chairman shall then select an alternate to serve in the absent or abstaining members place note of which shall be recorded in the records of the board. An alternate member may vote on any application in which a regular member abstains.<sup>4</sup>
6. Compensation Authorized. Members of the board may receive such compensation as may be authorized by the Town Council.<sup>5</sup>
7. Conflicts of Interest. All Board members and alternates shall be subject to the Virginia Conflict of Interest Act and shall not act upon a matter in which they have a financial interest or where action would financially benefit them as specified in the laws of the Commonwealth.

<sup>1</sup> Code of Virginia 1950, as amended, §15.2-2308 (A).

<sup>2</sup> Code of Virginia 1950, as amended, §15.2-2308 (A).

<sup>3</sup> Code of Virginia 1950, as amended, §15.2-2308 (A).

<sup>4</sup> Code of Virginia 1950, as amended, §15.2-2308 (A).

<sup>5</sup> Code of Virginia 1950, as amended §15.2-2308 (C).

8. Removal from Office. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, following a hearing held after at least fifteen (15) days' notice.<sup>6</sup>

**Sec. 7.5.2 Operation of the BZA: Rules of Procedure; Contracting for Services; Records of the Board; Election of Officers; Actions by Presiding Officer; Quorum for Hearings; Notice and Hearing.**

1. Rules of Procedure and Records. The board may make, alter and rescind rules and forms for its procedures consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once a year.<sup>7</sup>
2. *Employment or Contracting for Services.* Within the limits of funds appropriated by the Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.<sup>8</sup>
3. *Election of Officers.* With the exception of the secretary and the alternates, the board shall elect from its own membership a Chairman and Vice-Chairman who will serve annual terms and may succeed themselves. A Secretary shall also be elected who may or may not be a member of the board. A secretary who is not a member of the board may not vote on any matter before the board.<sup>9</sup>
4. *Discretionary Powers of the Presiding Officer.* The Chairman, or in his absence the Vice-Chairman or acting Chairman, may administer oaths and compel the attendance of witnesses.<sup>10</sup>
5. *Quorum for Hearings.* Notwithstanding any other provisions of law, general or special for the conduct of any hearing, a quorum shall not be less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on a case to the applicant, appellant, or other person aggrieved under §15.2-2314 and the staff of the local governing body. Except for matters governed by §15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting.<sup>11</sup>
6. *Notice and Hearing Required.* The board may not take action on a matter or consider a variance until notice and hearing have been given as mandated by §15.2-2204 of the Code of Virginia.

**Sec. 7.5.3 Ex Parte Communications: Notification of Communications; Availability of Case Materials; Non-legal Staff Defined; Exemptions.**

1. *Ex Parte Communications.* The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the

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<sup>6</sup> Code of Virginia 1950, as amended, §15.2-2308 (D).

<sup>7</sup> Code of Virginia 1950, as amended, §15.2-2308 (C) and §15.2-2312.

<sup>8</sup> Code of Virginia 1950, as amended §15.2-2308 (D).

<sup>9</sup> Code of Virginia 1950, as amended, §15.2-2308 (C).

<sup>10</sup> Code of Virginia 1950, as amended, §15.2-2309 (8).

<sup>11</sup> Code of Virginia 1950, as amended, §15.2-2308 (C).

party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.<sup>12</sup>

2. *Availability of Case Materials.* Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2- 2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.<sup>13</sup>
3. *Non-legal Staff Defined.* For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.<sup>14</sup>
4. *Exemption.* This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.<sup>15</sup>

## Section 7.6 Powers and Duties of the Board of Zoning Appeals

### Sec.7.6.1 Appeal from Administrative Ruling.

The board has the authority to hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.<sup>16</sup>

<sup>12</sup> Code of Virginia 1950, as amended, §15.2-2308.1 (A).

<sup>13</sup> Code of Virginia 1950, as amended, §15.2-2308.1 (B).

<sup>14</sup> Code of Virginia 1950, as amended, §15.2-2308.1 (C).

<sup>15</sup> Code of Virginia 1950, as amended, §15.2-2308.1 (D).

<sup>16</sup> Code of Virginia 1950, as amended, §15.2-2309 (1).

**Sec. 7.6.2 Granting of Variances: Authorization to Grant Variances; Standards for Consideration; Notice and Hearing; Imposition of Conditions/Bonding**

1. *Authorization to Consider Variance.* The board is authorized, notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.<sup>17</sup>
2. *Standards for Considering a Variance.* Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the 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 the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.<sup>18</sup>
3. *Notice and Hearing Required.* No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.<sup>19</sup>
4. *Imposition of Conditions/Bonding.* In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.<sup>20</sup>

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<sup>17</sup> Code of Virginia 1950, as amended, §15.2-2309 (2).

<sup>18</sup> Code of Virginia 1950, as amended, §15.2-2309 (2).

<sup>19</sup> Code of Virginia 1950, as amended, §15.2-2309 (2).

<sup>20</sup> Code of Virginia 1950, as amended, §15.2-2309 (2).

**7.6.3 Interpretation of District Map: Authorization; Guidelines for Interpretation; Notice and Hearing.**

1. *Authorization to Interpret Maps.* The board is authorized to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.
2. *Guidelines for Interpretation; Notice and Hearing.* After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.<sup>21</sup>

**Sec. 7.6.4 Authorization to Consider Special Exception Use Permits for Structure Placement: Authorization; Application of Conditions; Required Findings; Standards for Determining Health and Safety.**

1. *Authority to Consider Special Exception Use Permits.* The Board of Zoning Appeals is authorized to hear and decide on requests for special exception use permits (also referred to as “use permits”) that allow modification of placement requirements for structures in all zoning districts of the Town.
2. *Application of Conditions.* The Board of Zoning Appeals may impose conditions on the use permit that it deems necessary in the public interest, including limiting the duration of the use permit.
3. *Required Findings.* The Board of Zoning Appeal shall not approve a use permit unless it finds:
  - a. That the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,
  - b. That the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,
  - c. That the proposal will not be in conflict with the purposes of the master plans and land use and zoning related policies of the Town.
4. *Standards for Determining Effects on Neighborhood Health and Safety.* In determining whether the proposal will adversely affect the health and safety of persons residing in the neighborhood or will be detrimental to the public welfare, injurious to property or improvements in the neighborhood, the BZA shall consider:
  - a. Whether the modification will promote compatibility of development with the surrounding neighborhood, because the structure’s overall footprint size and placement are similar to structures or property surrounding the lot in question; and,
  - b. Whether the modification will help preserve natural land form, historical features, and/or significant trees and foliage.<sup>22</sup>
  - c.

<sup>21</sup> Code of Virginia 1950, as amended, §15.2-2309 (3).

<sup>22</sup> Ordinance 2011-11.

**Sec. 7.6.5 Appeals from Decisions of the Zoning Administrator.**

The board is authorized to hear and decide appeals from the decision of the zoning administrator after notice and hearing, as provided by §15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.<sup>23</sup>

**Sec. 7.6.6 Restrictions Regarding Rezoning and Legislative Intent.**

No provision of this ordinance shall be construed as granting any board of zoning appeals the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.<sup>24</sup>

**Sec. 7.6.7 Hearing and Decisions Regarding Special Exceptions: Authorization; Notice and Hearing.**

1. *Authorization.* The board is approved to hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
2. *Notice and Hearing.* No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.<sup>25</sup>

**Sec. 7.6.8 R e v o c a t i o n of Special Exceptions: Revocation Authority of BZA; Notice and Hearing; Revocation Authority of Town Council.**

1. *Authority to Revoke Special Exception by the BZA.* The board has the authority to revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit.
2. *Notice and Hearing.* No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
3. *Revocation by Town Council.* If Town Council reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the Council determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.<sup>26</sup>

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<sup>23</sup> Code of Virginia 1950, as amended, §15.2-2309 (3).  
<sup>24</sup> Code of Virginia 1950, as amended, §15.2-2309 (5).  
<sup>25</sup> Code of Virginia 1950, as amended, §15.2-2309 (6).  
<sup>26</sup> Code of Virginia 1950, as amended, §15.2-2309 (7).

**Sec.7.6.9 Scheduling of Meetings.**

The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.<sup>27</sup>

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<sup>27</sup> Code of Virginia 1950, as amended, §15.2-2309 (8).

## Section 7.7 Application and Procedures for Board Hearings

### Sec. 7.7.1 Hearings Regarding Special Exceptions and Variances:

Eligible Applicants; Transmission of Application Documents; Notice; Time Limit on Request/Resubmission; Withdrawal of Application; Allotment of Fees

1. Eligible Applicants. Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau.<sup>28</sup>
2. Application and Transmission of Documents. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application shall be accompanied by one (1) copy of documentation containing reasonable information as shall be required by the Zoning Administrator. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board.<sup>29</sup>
3. Notice and Hearing. No special exceptions may be granted or variances shall be considered except after notice and hearing as required by § 15.2-2204. The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing.<sup>30</sup>
4. Time Limit on Resubmission of Request. Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.<sup>31</sup>
5. Withdrawal of Application. Any petitions for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm or corporation initiating such request upon written notice to the Secretary of said Board.
6. Payment and Fees. Applications to the Board shall be accompanied by payment of a fee set forth in Section 801 to help defray the cost of publicizing 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 is received. If the withdrawal is done after publicizing costs have been incurred, the applicant is responsible for payment of these costs.

### Sec. 7.7.2 Hearings Regarding Administrative Decisions:

Eligible Appellants; Notice of Appeal Process and Deadline for Filing; Length of Time to Appeal Ruling; Filing and Transmission of Appeal to Board; Notice and Hearing; Stay of Action During Appeal; General Appeal Procedure; Withdrawal of Appeal; Payment of Fees.

1. *Eligible Appellants.* An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted

<sup>28</sup> Code of Virginia 1950, as amended, §15.2-2310.

<sup>29</sup> Code of Virginia 1950, as amended, §15.2-2310.

<sup>30</sup> Code of Virginia 1950, as amended, §15.2-2309 (6) and (2) and §15.2-2310.

<sup>31</sup> Code of Virginia 1950, as amended, §15.2-2310.



pursuant to this article, or any modification of zoning requirements pursuant to Code of Virginia § 15.2-2286.<sup>32</sup>

2. *Violation/Order to Include Notification of Right to Appeal.* Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.<sup>33</sup>
3. *Filing and Transmission of Appeal Documents to the Board.* The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.<sup>34</sup>
4. *Application of Decision to Appellant as Regards Notice and Hearing.* A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.<sup>35</sup>
5. *Stay of Action/Order During Appeals Process; Exceptions.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.<sup>36</sup>
6. *General Procedure of the Appeal.* The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an

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<sup>32</sup> Code of Virginia 1950, as amended, §15.2-2311 (A).

<sup>33</sup> Code of Virginia 1950, as amended, §15.2-2311 (A)

<sup>34</sup> Code of Virginia, 1950, as amended, §15.2-2311 (A).

<sup>35</sup> Code of Virginia, 1950, as amended, §15.2-2311 (A).

<sup>36</sup> Code of Virginia, 1950, as amended, §15.2-2311 (A).

administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to affect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

7. *Sixty Day Limit on Administrative Changes to Order; Exemptions.* In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical errors.
8. *Tie Votes.* In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
9. *Withdrawal of Appeal.* Any application for appeal before the Board may be withdrawn without prejudice, prior to action thereon by said Board, at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.
10. *Fees.* Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 800 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded minus any expenditures which have been made for publicizing or conducting the public hearing at the time the notice is received. The fee for filing an appeal shall not exceed the cost of advertising the appeal for public hearing and reasonable costs.<sup>37</sup>

## Section 7.8 Certiorari to Review Decisions of the Board

### Sec. 7.8.1 Aggrieved Parties; Form of Writ.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.<sup>38</sup>

### Sec. 7.8.2 Issuance of writ; Notification of the Board of Filing of an Appeal.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the

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<sup>37</sup> Code of Virginia 1950, as amended, §15.2-2311 (A).

<sup>38</sup> Code of Virginia 1950, as amended, §15.2-2314.

board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.<sup>39</sup>

**Sec. 7.8.3 Status of the Board in Appeal Proceedings.**

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.<sup>40</sup>

**Sec. 7.8.4 Possession of Original Papers; Certification of Documents.**

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.<sup>41</sup>

**Sec. 7.8.5 Authorized Court Actions on the Appeal.**

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

**Sec. 7.8.6 Presumptions of Correctness, Burden of Proof for Appeals of Decisions of Administrative Officials.**

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.<sup>42</sup>

**Sec. 7.8.7 Presumptions of Correctness, Burden of Proof for Appeals Involving Variances.**

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision.<sup>43</sup>

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<sup>39</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>40</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>41</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>42</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>43</sup> Code of Virginia 1950, as amended, §15.2-2314.

**Sec. 7.8.8 P r e s u m p t i o n s of Correctness, Burden of Proof for Appeals Involving Special Exceptions.**

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.<sup>44</sup>

**Sec. 7.8.9 Introduction of Evidence in Appeal from the Board.**

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.<sup>45</sup>

**Sec. 7.8.10 A l l o t m e n t of Appeal Costs.**

Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.<sup>46</sup>

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<sup>44</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>45</sup> Code of Virginia 1950, as amended, §15.2-2314.

<sup>46</sup> Code of Virginia 1950, as amended, §15.2-2314.

## ARTICLE 8 SCHEDULE OF FEES

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

### **Section 8.1 Fees Related to Zoning**

The following fees shall apply for applications relating to zoning regulations.

1. Each application for a Special Exception Permit shall be accompanied by payment of a fee as set by Council
2. Each application for a hearing before the BZA for an administrative review or a variance shall be accompanied by payment of a fee as set by BZA.
3. Applications by local jurisdictions shall be exempt.

### **Section 8.2 Fees Related to Amendments**

Each application for an amendment to the zoning text or the zoning map (rezoning) shall be accompanied by payment of a fee as set by Council.

### **Section 8.3 Return of Fees**

No portion of any fee payment shall be returned to any applicant under any circumstances, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, that portion of any fee payment which is proportional to the cost of notice and conduct of public hearing shall be returned.

## ARTICLE 9 VIOLATIONS AND PENALTIES

### Sections 9.1 Violations

All departments, officials, and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Chapter. 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 null and void.

### Section 9.2 Complaints Regarding Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

### Section 9.3 Penalties

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined an amount not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). 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 these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

## ARTICLE 10      LEGAL STATUS PROVISIONS

### **Section 10.1 Conflict with Other Laws**

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

### **Section 10.2 Validity**

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

### **Section 10.3 Repealed Resolutions and Ordinances**

Any ordinance or regulation which conflicts with any provision of this ordinance shall be considered under the provisions of Section 1001. Any ordinance or regulation failing to meet Section 1002 provisions is repealed, held to be invalid, and of no effect.

### **Section 10.4 Effective Date**

These regulations shall take effect and be in force upon adoption. A certified copy of the foregoing Zoning Regulations shall be filed in the office of the Town Manager and in the office of the Clerk of the Circuit Court, Pulaski County, Virginia.

## ARTICLE 11      DEFINITIONS

### Section 11.1      General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
5. The terms "main" and "principal" as used herein are synonymous.
6. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

### Section 11.2.      Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

**Administrator, Zoning.** The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the Town of Pulaski. He may serve with or without compensation as determined by Town Council. (2) That person appointed by the Town Manager as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building.

**Administrative Services** - Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices.

**Adult Daycare** - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Agricultural Services** - An establishment primarily engaged in providing services specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

**Alteration.** (1) Any change in the total floor area, use, adaptability, or external appearance of an existing structure. (2) is any change, modification or addition to a part or all of the exterior of any building or structure.

**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; or five (5) or more dogs, cats, or other customary pet animals for non-commercial purposes.

**Animal Hospital or Clinic.** An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.



**Apartment.** A unit in a multi-family dwelling providing living quarters for a 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.

**Apartment Development.** A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.

**Artisan Studio** – A combination working studio and dwelling unit for artists.

**Asphalt Plant-** An establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures or tar.

**Automobile Repair Services, Major** - Repair of construction equipment, commercial trucks, agricultural and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. This includes minor automobile repairs in conjunction with major automobile repairs. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

**Automobile Graveyard.** Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.

**Automobile Repair Services, Minor** - Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

**Automobile Service Station.** Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or mechanical automobile washing.

**Bakeries.** An establishment engaged in the preparation and production of baked goods for consumption and sale both on and off the premises, which shall not exceed 3,000 square feet in floor area.

**Basement.** Any area of the building having its floor sub-grade (below ground level) on all sides.

**Base Flood.** and One Hundred Year Flood. Means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

**Base Flood Elevation.** Means the Federal Emergency Management Agency designated 100-year water surface elevation, plus one additional foot in elevation.

**Bed and Breakfast.** A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) persons, unrelated to the owner or

operator, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one (1) week in duration.

**Board.** The Board of Zoning Appeals as established under this Ordinance.

**Boarding House (Rooming House).** A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.

**Brewery** - A facility in which beer is manufactured by a person licensed by the Commonwealth of Virginia as a brewery.

**Brewery (Small)** - A brewery (i) that produces more than 10,000 barrels and fewer than 30,000 barrels per year of beer, and (ii) the brewery may include retail space to sell products for off-site or on-site consumption, bar, tasting room, tap-room, restaurant, or other similar facility.

**Brewery and Bottling Facility** - A manufacturing facility where beverages are brewed and bottled for local, regional or national distribution. Samples may be offered to individuals visiting the premises, for on-site consumption, but there are no retail or other sales directly to consumers within any tap-rooms, bars, restaurants, or other similar facility.

**Brewpub** - A restaurant that manufactures up to 5,000 barrels of fermented malt beverages per year on premises for either consumption on premises in hand-capped or sealed containers in quantities up to one-half barrel or 15.5 gallons sold directly to the consumer.

OR

A restaurant that brews beer as an accessory use intended primarily for consumption on the premises. Production capacity shall be limited to not more than 5,000 barrels per year. Where allowed by law, brewpubs often sell beer "to go" and/or distribute to offsite accounts.

**Buildable area.** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

**Building.** Is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.

**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. No such accessory structure shall be used for housekeeping purposes without the granting of a special exception.

**Building Code.** The Virginia Uniform Statewide Building Code, as adopted by the Town of Pulaski as amended.

**Building Inspector.** The building official appointed by the Town to administer and enforce the provisions of the Building Code, or his designated representative or agent.

**Building Permit.** Is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of a building.

**Business Support Services** - Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

**Building Trade Services** - This includes construction, plumbing, electrical, heating and air-conditioning, landscaping, well drilling, and similar services. Outdoor storage is not permitted.

**Caregiver.** Means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

**Cemetery.** Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. No cemetery shall be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that subject to the foregoing in the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence if it be not less than 250 feet from the residence at its nearest point thereto; provided such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and not contains a public or private burial ground and is not within the corporate limits of the town; and no cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal cemetery, located within 300 yards of any property owned by any city, town, or water company, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply. Further a plat shall be provided with the application for a special exception for a burial within the aforesaid definition of cemetery and such plat shall be capable of being recorded in the Circuit Court of the County of Pulaski, Virginia Clerk's Office before said special exception, if approved, is effective.

**Certificate of Appropriateness.** Is a certificate or other statement indicating approval by the Administrator or the Architectural Review Board as the case may require of plans for construction, alteration, reconstruction, repair, restoration, relocation, demolitions or razing of a building or structure or part thereof in a historic district.

**Clerk.** The Clerk of the Circuit Court having jurisdiction in the Town of Pulaski.

**Commission, The.** The Town of Pulaski Planning Commission.

**Contributing Properties.** Are properties so designated on the inventory map of landmarks and contributing properties which is adopted as part of this Ordinance, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance or other factors are not designated as historic landmarks under the criteria of this Ordinance.

**Cluster Housing.** A development design which places attached dwellings in close proximity to each other with nearby spaces set out for the common use of the dwelling owners. (Ordinance 2006-07)

**Columbarium.** A sepulchral vault or other structure lined with recesses in the walls for the storage of cinerary urns. A columbarium may be a free-standing structure, part of another building such as a mausoleum or house of worship, or may be a prefabricated structure brought in its entirety to a site.

**Community Center.** Community entertainment, recreation, or meeting place operated by a non-profit organization.

**Common Elements.** All portions of a cooperative other than the units.

**Communication Station.** A location not associated with another permitted use, where the public is offered access to voice, data, and/or video information.

**Conditional Use.** (See Special Exception)

**Conditional Zoning.** The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Town Council to accept the proffered conditions, the conditions proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.

**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.

**Congregate Home.** A facility serving as a home for the mentally ill, mentally retarded, developmentally disabled, or as rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met.

**Congregate Senior Housing.** A multi-family, single floor structure consisting of individual units designed for the primary purpose of providing a residence for seniors (age 60) able to live on their own.

**Contractor Storage Yard.** An area used for storage of construction equipment, supplies and materials.

**Convenience Store.** A single store, the ground floor of which is five thousand (5,000) square feet or less and which offers for sale primarily most of the following items: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, gasoline, kerosene, propane, and general hardware articles.

**Construction Yard** - Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

**Cottage Industry.** A small, non-polluting business or industry which is not located in a residence and which employs fewer than five (5) workers on site. Such industry has no outside storage and is limited to a structure having 5,000 square feet or less.

OR

**Cottage Industry** - A small, non-polluting business or industry, employing fewer than five (5) workers and does not require the provision of public services, such as water or sewer service

**Custom Manufacturing.** Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.

**Cul-de-Sac.** A circular turning area at the end of a dead-end street.

**Cultural Services** - A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences.

**Curb Elevation.** 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.

**Daycare Center** - Child day programs offered to (i) two or more children under the age of 13 years in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location. A child day program is a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of a child under the age of 13 years for less than a 24-hour period.

**Demolition.** Is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

**Determination.** Means any order, requirement, decision or determination made by an administrative officer.

**Developer.** An owner of property being developed, whether or not represented by an agent.

**Development.** (1) Any man-made change to improved or unimproved real estate including, but not limited to: buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; or storage of equipment or materials; (2) any real estate having been subjected to or intended for man-made change.

**Drop Site.** A Zoning District designated by the Town Council of the Town of Pulaski, Virginia that serves as a temporary collection point for the orderly collection and disposal of recyclables and non-recyclables or heavy items.

**Dwelling.** Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.

**Dwelling, Multi-Family.** A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

**Dwelling, Single-Family.** A building designed for, or occupied exclusively by, one (1) family, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance. Family shall include Family Day Homes as provided in 15.2-2292, Code of Virginia 1950 as Amended and Group Home of 8 or Fewer as provided in 15.2-2291, Code of Virginia as Amended.

**Dwelling, Two-Family (Duplex).** A building designed for, or occupied exclusively by, two (2) families living independently of each other, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

**Dwelling Unit.** One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

**Equipment Sales and Rentals** - Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

**Fairgrounds/Exhibit Areas.** An area set aside and managed for the exhibition and display of agricultural products and animals, amusement rides and games, craft exhibitions and fireworks displays.

**Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.

**Family Day Care Center.** Any private family home in which less than six (6) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.

**Family, Immediate Member of.** Any person who is a natural or legally defined off-spring, spouse, grandchild, grandparent, or parent of the owner.

**Financial Institutions** - Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and free-standing automatic teller machines.

**FIS.** Means Flood Insurance Study.

**Floating Zone.** A district classification which is not "anchored" to a particular area on the initial zoning map but which is available through rezoning to any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with the surrounding properties and districts.

**Flood.** (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides (i.e. mudflows) which are prominently caused by flooding as define in subsection (1)b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current. (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a. of this definition.

**Flood Hazard Area.** The maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides 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 or Flood-prone area.** Any land area susceptible to being inundated by water from any source.

**Flood Proofing.** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.

**Floodway.** Means the designated are of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

**Freeboard.** A factor of safety usually expressed in feet above flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed.

**Frontage.** The length of the property line of any lot or tract of land measured along a public street, road, or highway against which the land abuts.

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

**Garage, Public.** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor 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.

**Garage, Private.** An accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**Gas Station(s).** A building, lot, structure, or facility with pumps and storage tanks where fuel, gasoline, oil, or other similar products are dispensed, sold, or offered for sale at retail. Car washes, automobile service stations, and convenience stores may be accessory uses. Such a building, lot, structure, or facility shall not operate as an automobile graveyard. (adopted November 8, 2023/ Ordinance 2023-16)

**General Office** - Use of a site for business, professional, or administrative offices, excluding medical offices/clinic. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a General Office.

**Golf Course.** Any parcel of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

**Golf Driving Range.** A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee area.

**Granny Cottage.** A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.

**Greenhouse.** A building with translucent and/or transparent sides and/or roof which is artificially heated for the purpose of growing plants, trees and shrubs indoors.

**Group Home.** A residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility (§ 15.2-2291.)

**Guest House.** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling unless permitted by the terms of this ordinance. **Guest Room.** A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.

**Hazardous Material.** Any chemical substance or material in a quantity or form which may be harmful to



humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous materials include: explosives, gases (compressed, liquefied, or dissolved), flammable and combustible liquids, flammable solids or substances, oxidizing substances, poisonous and infectious substances, radioactive materials, and corrosives.

**Hazardous Substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Hazardous Waste.** Means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical, or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (*Code of Virginia Section 10.1-400*).

**Health/Fitness Club.** A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities requires membership in the club.

**Health Department.** The Pulaski County Health Department or its designated agent or representative.

**Heliport.** An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Heliport Hazard.** Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

**Helistop.** A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

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

**Historic District.** Means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

**Historic Landmark.** Is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission, or any building or place officially designated as a landmark structure or place by the Town of Pulaski on the inventory map which is adopted as a part of this Ordinance.

**Historic Structure.** Means any structure that is:

1. Listed individually in the *National Register of Historic Places* (a listing maintained by the *Department of the Interior*) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the *National Register*.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Home for Adults.** Any facility other than a Nursing Home, providing part-time or full-time care to three (3) 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 use carried on by the one or more members of a family, in connection with which there is no display, other than a than a professional name plate, no one is employed other than immediate members of the family residing on the premises, there is limited traffic generation, and the activities are conducted within the dwelling or accessory building.

**Hospice.** means a coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative and supportive medical and other health services to terminally ill patients and their families as licensed by the Virginia Department of Health. A hospice utilizes a medically directed interdisciplinary team. A hospice program of care provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness, and during dying and bereavement. Hospice care shall be available twenty-four hours a day, seven days a week.

**Hospice Facility.** means an institution, place, or building owned or operated by a hospice provider and licensed by the Virginia Department of Health to provide room, board, and appropriate hospice care on a 24-hour basis, including respite and symptom management, to individuals requiring such care pursuant to the orders of a physician. Such facilities with 16 or fewer beds are exempt from Certificate of Public Need laws and regulations. Such facilities with more than 16 beds shall be licensed as a nursing facility or hospital and shall be subject to Certificate of Public Need laws and regulations.

**Hospital.** A facility licensed by the Commonwealth of Virginia primarily provides in-patient diagnosis, treatment, psychiatric, and surgical care to two or more unrelated individuals. The following are acceptable accessory uses: outpatient diagnostic and treatment centers, substance abuse disorder clinics, rehabilitation facilities, medical offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, heliport, EMS Vehicle storage, and parking facilities (adopted August 6, 2024/ Ordinance 2024-08)

~~**Hospital.** "Hospital or health center" means any and all medical facilities and approaches thereto and appurtenances thereof. Medical facilities shall include any and all facilities suitable for providing hospital and medical care, including any and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in lands, franchises, machinery, equipment, furnishing, landscaping, approaches, roadways and other facilities necessary or desirable in connection therewith or incidental thereto (including, without limitation, hospitals, nursing homes, assisted living facilities, continuing care facilities, self-care facilities, medical office facilities, clinics, out-patient surgical centers, alcohol,~~

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~~substance abuse and drug treatment centers, laboratories, research facilities, sanitariums, hospices, facilities for the residence or care of the elderly, the handicapped or the chronically ill, residential facilities for nurses, interns, and physicians and any other kind of facility for the diagnosis, treatment, rehabilitation, prevention, or palliation of any human illness, injury, disorder, or disability), together with all related and~~

~~supporting facilities and equipment necessary and desirable in connection therewith or incidental thereto, or equipment alone, including, without limitation, kitchen, laundry, laboratory, pharmaceutical, administrative, communications, computer and recreational facilities and equipment, storage space, mobile medical facilities, vehicles and other equipment necessary or desirable for the transportation of medical equipment or the transportation of patients.~~

**Hotel.** A building in which lodging, or board and lodging, are 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. The term "hotel" includes the term "motel".

**Houses of Worship.** An institution that people regularly attend to participate in or hold religious services, and shall include buildings in which the religious services of any denomination are held. (Adopted November 1, 2022/ Ordinance 2022-17)

- a. As an accessory use, emergency warming stations are permitted, as defined by the building code and subject to meeting applicable building code and fire code requirements and only accept Pulaski County residents and only operate from 6 p.m. to 7 a.m. (Adopted February 7, 2023/ Ordinance 2023-03)

**Household Waste.** Means any waste material including garbage, trash and refuse derived from households. Households include single, dual and multi-family residences, manufactured homes, recreational vehicles, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. (9VAC20-130-10 Virginia Administrative Code).

**Industry, Type I** - Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Type I Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.

**Industry, Type II** - Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

**Inoperable Motor Vehicle.** A vehicle which does not display current State registration plates and County or Town sticker nor a valid State inspection, excluding motor vehicles as described in the Code of Virginia, Section 46.2-665 and 666.

**Junk.** Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled or wrecked automobiles or parts thereof; an old or scrap iron, steel, or other ferrous or nonferrous material.

**Junk Yard (Automobile Wrecking Yard).** A lot, land, or structure, or part thereof, used primarily for the

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collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.

**Kennel.** Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals or any place where more than five animals of over 6 months of age are kept.

**Kennel, Non-commercial.** Any location where animals of over 6 months of age are kept, as defined in the “Dog and Other Animal” ordinance of Pulaski County.

**Laundry** - Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

**Lot.** A numbered and measured portion or parcel of land separated from other portions or parcels by description in 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 of Record.** A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of the County of Pulaski at the time of the adoption of this Ordinance.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of *Federal Code 44CFR §60.3*.

**Manufactured Home Park/Subdivision.** Means a parcel or contiguous parcels of land divided into two or more lots for rent or sale.

**Manufactured Home, Emergency.** A manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with the provisions of this ordinance.

**Manufactured Home Sales.** Establishments primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

**Medical Office(s).** An establishment in which doctors, dentists, or other practitioners licensed by the Commonwealth of Virginia provide healthcare services to clients, including medical or health-related physical or massage therapy, exclusively on an outpatient basis, and may offer minor surgical care, but do not provide, substance abuse disorder services clinics (adopted January 16, 2024/ Ordinance 2024-01), overnight care, or serve as a base for an ambulance service.

**Mentally or physically impaired person.** Means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

**Microbrewery.** A brewery, which produces more than 500 but less than 10,000 barrels of beer per year. Such facilities may include a tasting room or retail space to sell the products to patrons on site.

**Micro distillery.** A facility that typically produces and distributes alcoholic beverages or spirits as defined within §4.1-100, Code of Virginia distilled where production does not exceed 5,000 gallons per year. Such facilities may include an on-site tasting room or retail space to sell the products to

patrons on site.

**Micro-Producers.** microbrewery, or micro distillery, in which twenty-five (25) percent or more of the facility's production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant, or other similar facility.



**Mini Warehouse.** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

**Mobile/Manufactured Home.** A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the travel 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 or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating air-conditioning, and electrical systems contained in the structure.( Section 36-85.11 of the Code of Virginia as amended). Such structure as defined herein (including any structure originally built as a mobile/manufactured home as defined herein, regardless of whether plumbing or electrical facilities have been removed) may be used only as a single-family residence, and may not be used as a storage building, accessory structure or for any other purpose except a temporary mobile/manufactured office building.

**Mobile/Manufactured Home Park.** A site designed to accommodate two or more manufactured homes.

**New Construction.** For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by the town and includes any subsequent improvements to such structures.

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

**Nonconforming Lot.** An otherwise legally platted lot that does not conform with the lot, area, yard, height, lot coverage, or other area regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**Nonconforming Structure.** A building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

**Non-legal staff of the governing body.** Means any staff who is not in the office of attorney for the locality or for the board who is appointed by special law or pursuant to §15.2-2214.(Reference to Code of Virginia)

**Non-recyclables or heavy items.** Items defined as old furniture; stoves; refrigerators; freezers; washers; dryers; hot water heaters; air conditioners; scrap metal.

**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 in-patient 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.** Space provided for vehicular parking outside the dedicated street right-of-way.

**One Hundred Year Flood/Base Flood.** Means the flood having a one percent chance of being equaled or exceeded in any given year.

**Open Space.** An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open spaces shall not be deemed to include driveways, parking lots, or other surfaces not designed or intended for vehicular travel.

**Operator.** An individual entity licensed by the Town Council to operate a Drop Site.

**Parking Facility, Surface/Structure** - Use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

**Parking Space.** An area consisting of a minimum of 10 x 20 feet.

**Permanent Building.** Means any structure having a roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals and chattel, that is designed to not be moveable either to, or from its location on, real property.

**Permanent Foundation.** Footer and masonry foundation about the entire perimeter of the home.

**Personal Services** – An establishment which offers specialized goods and services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments.

**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.** A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with home occupation, the term refers to a single professional in the operation of his profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.

**Prohibited Items.** Materials that may not be accepted into the drop-site including but not limited to: liquids, construction debris; old automobiles and automobile parts; household waste; barrels; or hazardous substances/hazardous waste.

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

**Public Service or Storage Buildings.** Governmental or public utility facilities necessary for public health, safety, and welfare.

**Public Service Facility** - Public or governmental buildings and uses, including schools, police station, fire stations (volunteer or otherwise), parks, parkways and playgrounds.

**Public Water and Sewage Systems.** A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving fifteen (15) connections or serving 20 or more persons and which is properly permitted.

**Public Utilities.** Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately-owned furnishing electricity, gas, rail transport, communications, or related services to the general public.

**Ramada.** A structure erected over a mobile/manufactured home for the purpose of providing shade or shelter.

**Reconstruction.** Is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.

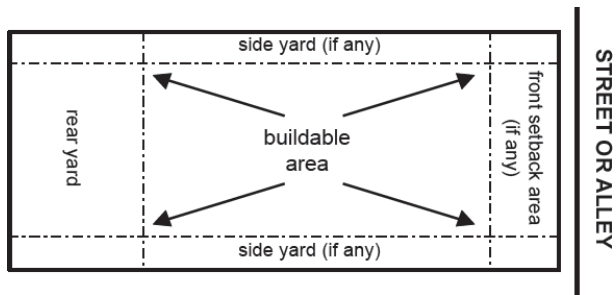
**Recyclables.** Items that may be reprocessed into other or similar materials. Such items may include newspaper; aluminum and metal cans; clear, brown and green plastic; clear, brown and green colored glass; tires from residential (non-commercial activity) and such other items that may be recycled as determined by the Town Manager.

**Repair Services** - Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

**Retail sales and services** – Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications.

**Retail Sales and service of automobiles** - Sales of new or used passenger automobiles, trailers, mobile homes, or trucks in operating condition are displayed in the open for sale or trade. Service station incidental to the principle use, which is automobile sales.

**Non-recyclables or heavy items.** Items defined as old furniture; stoves; refrigerators; freezers; washers; dryers; hot water heaters; air conditioners; scrap metal.



**Recycling Collection Point.** An incidental use that serves as temporary storage of recoverable resources. No processing of such items would be allowed.

**Recreational Vehicle.** A vehicle which is: (1) built on a single chassis; (2) no more than 400 square feet when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

**Recreational Vehicle Park.** Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.

**Repairs.** Are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction.

**Required Open Space.** Any space required in any front, side, or rear yard.

**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.

**Restoration.** Is any or all work connected with the returning to or restoring of a building or part of any building, to its original conditions through the use of original or nearly original materials.

**Right-of-way or Easement.** A strip of land occupied or to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or similar uses.

**Screening.** A method of visually shielding or buffering one abutting or nearby structure or use from one another by fencing, walls, berms, or vegetation.

**Setback.** The minimum distance from which any building structure must be separated from the front lot line.

**Setback Line.** A line generally parallel with and measured from the front lot line, defining the limits of a yard in which no building or structure may be located.

**Seasonal Sales.** Outside sales of products traditionally associated with the following holidays: Valentine's, Fourth of July, Halloween, Thanksgiving and Christmas. Such sales are permitted for a period not exceeding 90 days in a calendar year.

**Shallow Flooding Area.** Means a special flood hazard area designated as an AO or AH zone on the *Flood Insurance Rate Map (FIRM)* with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Shopping Center.** A grouping of retail business and service uses on a single site with common parking facilities.

**Site Plan.** A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.

**Solid Waste.** Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing. Solid waste may be categorized as follows: (1) Agricultural-Solid Waste that results from the raising and slaughtering of animals, and the processing of animal products and orchard and field crops; (2) Commercial-Waste generated by stores, offices and other activities that do not actually turn out a product; (3) Industrial-Waste that results from industrial processes and manufacturing; (4) Institutional-Waste originating from educational, health care and research facilities; (5) Municipal-Residential and commercial solid waste generated within a community; (6) Pesticide-The residue from the manufacturing, handling, or use of chemicals intended for killing plant and animal pests; (7) Residential-Waste that normally originates in a residential environment, sometimes called domestic solid waste.

**Solid Waste Disposal.** The ultimate disposition of solid waste that cannot be salvaged or recycled.

**Special Exception.** A use which may be allowed for a specific lot in a district if the use is listed as a Special Exception for the district and if the Town Council, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

**Special Exception Permit.** A permit which indicates the conditions of use for a specific lot in a district which has been approved for Special Exception by the Town Council.

**Special Exception Use Permit (also referred to as a “use permit”).** A permit issued by the Board of Zoning Appeals which allows modification of placement requirements for structures in all zoning districts of the Town.

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

**Story, Half.** A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.

**Substance Abuse Disorder Clinic(s).** An outpatient establishment where patients receive diagnosis, assessments, treatments, and follow-up care for suspected cases of substance use or abuse disorders, which dispense and administer controlled substances on the clinic premises that are not available to non-patients (adopted January 16, 2024/ Ordinance 2024-02)

**Substantial Construction.** Means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and usage to which it will be subjected. (4VAC25-40-10).

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

**Substantial Improvement.** Any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. This term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified to the local code enforcement official and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's designation as a historic structure.

**Surveyor.** A land surveyor certified by the Commonwealth of Virginia.

**Temporary.** As applied to this district (Drop Site), a period of time not to exceed seven consecutive days.

**Temporary family health care structure.** Means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

**Temporary Use.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Townhouse.** A one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

**Townhouse Development.** One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.

**Transportation Terminal.** A facility for loading, unloading, and interchange of passengers, baggage,

and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

**Tree.** A woody perennial plant having a single main stem.

**Truck Terminal.** A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.

**Truck Stop.** A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.

**Use, Accessory.** A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

**Utility Services, Minor** - Services which are necessary to support existing and future development within the immediate vicinity and involve only minor structures. Including in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are all major utility services owned and/or operated by the Town of Pulaski, or any major utility services which were in existence prior to the adoption of this ordinance.

**Utility Services, Major** - Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the Virginia State Corporation Commission.

**Variance.** Means in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land; or the size, height, area, bulk or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property and such need for a variance would not be generally shared 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. (Amended 3-12-16).

**Warehouse** - a building where wares or goods are stored, as before being distributed to retailers; a storehouse. Not a truck terminal.

**Warehousing and Distribution** - a warehouse where items are brought to, and temporarily stored for later distribution to other destinations. Distribution may include the use of cargo containers on trailers or dual trailers which are separated and transferred to other trucks for distribution of contents. Not a truck terminal.

**Wayside Stand, Roadside Stand, Wayside Market.** Any structure or land used for the sale of agriculture or horticulture produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.

**Wholesale, warehouse or storage use** - A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.



**Wireless telecommunications facility** - A wireless telecommunications facility consists of the equipment and structures utilized to transmit and/or receive telecommunication signals to and from any communications source which may also be connected to a mobile and/or stationary unit with land-based facilities including but not limited to antennas, towers and accessory structures.

**Wrecked Automobile.** Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.

**Yard, Required Rear.** The open space between the rear lot line and the buildable area within which no structure shall be located except as provided in the zoning ordinance. The area is determined by the lot regulations.

**Yard, Required Side.** The open space extending from the front yard to the rear yard between the side lot line and the buildable area. The area is determined by the lot regulations.

## ARTICLE 12      MAPS

### **Section 12.1      MAP**

Figure 2 illustrates the location of the zoning districts as established upon the adoption of this Zoning Ordinance. The Zoning Administrator must be consulted for official determination of the actual property zoning.

### **Section 12.2      Official Zoning Map**

The Official Zoning Map shall be kept up-to-date in a timely manner by the Zoning Administrator.