

Category	Sub-category	Color
Residential	R-1	Light Green
	R-2	Medium Green
	R-3	Dark Green
Commercial	B-1	Light Blue
	B-2	Medium Blue
	B-3	Dark Blue
Industrial	M-1	Yellow
	M-2	Orange

A hand-drawn map of a residential area with various colored zones and handwritten labels. The map shows streets including 'VAUGHAN', 'BAYVIEW', 'BAYVIEW AVE', 'BAYVIEW BL', 'BAYVIEW DR', 'BAYVIEW RD', 'BAYVIEW LN', 'BAYVIEW CT', 'BAYVIEW CR', 'BAYVIEW CV', 'BAYVIEW CL', 'BAYVIEW CH', 'BAYVIEW CI', 'BAYVIEW CO', 'BAYVIEW CP', 'BAYVIEW CS', 'BAYVIEW CC', 'BAYVIEW CD', 'BAYVIEW CE', 'BAYVIEW CF', 'BAYVIEW CG'. Handwritten labels include 'B-2' (multiple instances), 'R12', 'M-1', 'B-2 ALL FORMER M-1', 'RTE 100', 'RTE 1030', 'WHOLE SHEETS', 'LANS AK', 'BAYVIEW ST', 'BAYVIEW BL', 'BAYVIEW DR', 'BAYVIEW RD', 'BAYVIEW LN', 'BAYVIEW CT', 'BAYVIEW CR', 'BAYVIEW CV', 'BAYVIEW CL', 'BAYVIEW CH', 'BAYVIEW CI', 'BAYVIEW CO', 'BAYVIEW CP', 'BAYVIEW CS', 'BAYVIEW CC', 'BAYVIEW CD', 'BAYVIEW CE', 'BAYVIEW CF', 'BAYVIEW CG'.



# Planning Commission

## Town of Dublin, VA



## Zoning Ordinance

Adopted March 30, 1993

## Subdivision Ordinance

Adopted March 19, 1992

Mr. Benny Skeens, Mayor  
Mr. Bill Parker, Town Manager  
Mr. Jeff Bain, Zoning Administrator



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## **APPENDIX A**

### **ZONING\***

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## **ARTICLE I. SHORT TITLE**

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Dublin." It is enacted pursuant to the authority granted by Act of the General Assembly of Virginia as provided in Chapter 11, Article 8, sections 15.1-486 through 15.1-498 of the Code of Virginia of 1950, and amendments thereto.

## ARTICLE II. AUTHORITY, INTERPRETATION, ADMINISTRATION AND SCOPE

### 2-1. Authority to Establish Zoning

Whereas, by act of the General Assembly of Virginia as recorded in Title 15.1 Chapter 11, Article 8, Section 15.1-486 through 15.1-498, Code of Virginia (1950) as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape and size as it may deem suited to carry out the purpose of zoning, and in each district it may regulate the following:

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

Sec. 15.1-486

#### 2-1.1 Interpretation

In the interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and welfare. To protect the public, among other purposes, such provisions herein are intended for the following purposes:

- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- (2) To reduce or prevent congestion in the public streets;
- (3) To facilitate the creation of a convenient, attractive, and harmonious community;
- (4) To expedite the provisions of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewage, schools, parks, forests, playground, recreational facilities, airports, and other public requirements;
- (5) To protect against destruction of, or encroachment upon, historic areas; and
- (6) To protect against one (1) 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 damages.



- (7) To encourage economic development activities that provide desirable employment and enlarge the tax base.
- (8) To provide for the preservation of agriculture and forestal lands and other lands of significance for the protection of the natural environment.
- (9) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.
- (10) To promote affordable housing.
- (11) Also include reasonable provisions to protect surface and groundwater, which are not inconsistent with applicable state water quality standards.

## **2-2. Rules For Determining Boundaries**

- 2-2.1. Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respects to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
- (a) Where district boundaries are indicated as approximately following, or being at right angles to the centerlines of streets, highways, alleys, or railroad main tracks, such centerline or lines at right angles to such centerlines shall be construed to be such boundaries, as the case may be.
  - (b) Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the centerline, or at the limit of the Town of Dublin, Virginia.
  - (c) If no distance, angle, curvature description or other means is given to determine a boundary line accurately, the same shall be determined by the use of the scale shown on said zoning map, and in case of dispute in the use thereof, the determination of a certified land surveyor or engineer shall be final.
  - (d) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
  - (e) Any areas shown on the zoning maps as park, playground, school, cemetery, water, street, or right-of-way, shall be subject to the zoning regulations of the district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining district shall govern.
  - (f) In every case where property has not been specifically included within a district, or where territory has become a part of the town by annexation, the same shall automatically be classed as lying and being in the district most similar to the zoning classification currently designated by Pulaski County ordinance in effect at that time.
  - (g) Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

### **2-3. Administration**

This ordinance shall be enforced by an administrator who shall be appointed by the Dublin Town Council. The administrator shall serve at the pleasure of that body. Compensation, as such, shall be fixed by resolution of the Town Council.

### **2-4. Construction of Buildings.**

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance [May 20, 1972]. However, such construction must commence within six (6) months after this ordinance becomes effective. If construction is discontinued for a period of six (6) months, or more, further construction shall be in conformity with the provisions of this ordinance for the district in which the operation is located.

### **2.5. Certificates of Zoning Compliance.**

Buildings or structures shall be started, reconstructed, enlarged or altered only after a certificate of zoning compliance has been obtained from the Administrator, and shall be void after a period of 180 days from the date of approval, if not utilized during the 180 day period.

Each application for a certificate of zoning compliance meeting the provisions of Section 23-1 of this Appendix shall comply with Article XXIII of this Appendix.

### **2.6. Scope.**

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or with private restrictions placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land. Where this ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

### **2.7. Severability.**

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

### **2.8. 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 Dublin; nor is it the intent of this ordinance to use public powers in any way to promote the separation within the Town of Dublin of economic, racial, religious, or ethnic groups.

### **2.9. Effective Date.**

This zoning ordinance of the Town of Dublin, Virginia, shall be effective at and after 12:01 a.m. May 20, 1972; and any portion of any other ordinance in conflict with this ordinance is hereby repealed.

### **2.10. Copies Filed.**



A certified copy of the foregoing zoning ordinance of the Town of Dublin, Virginia, shall be filed in the office of the Town of Dublin, Virginia, and in the office of the clerk of the circuit court of Pulaski County, Virginia.

### ARTICLE III. DEFINITIONS

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

<i>Abattoir:</i>	A commercial slaughterhouse.
<i>Access way:</i>	A roadway which connects entrances to the property with the associated parking facility.
<i>Accessory use or structure:</i>	Is a subordinate use or building customarily incident to and located on the same lot occupied with the main use or building.
<i>Acreage:</i>	A parcel of land, regardless of area, described by metes and bounds[,] which is not a numbered lot on any recorded subdivision plat.
<i>Administrator, the:</i>	The official charged with the enforcement of the zoning ordinances. He may be any appointed or elected official who is by formal resolution or ordinance designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.
<i>Agriculture:</i>	The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, including any agricultural industry or business, such as fruit packing plants, dairies or similar use.
<i>Alley:</i>	A platted service way providing a secondary means of access to abutting properties.
<i>Alteration:</i>	Any change in the total floor area, use, adaptability, or external appearance of an existing structure.
<i>Animal or poultry husbandry:</i>	Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or of more than five (5) dogs, cats, or other customary pet animals for non-commercial purposes.
<i>Animal hospital or clinic (veterinary services):</i>	An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.
<i>Apartment:</i>	A unit in a multi-family dwelling or associated with another use that provides living quarters for a single family, in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.



- Apartment Development:* A development containing one or more multi-family dwellings containing apartments and may include other associated physical facilities.
- 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.
- Basement:* A story having part or all of its height below grade.
- Bed and Breakfast:* A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for less than 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 (BZA):* The Board of Zoning Appeals as established under this Ordinance.
- Boardinghouse:* A building other than a hotel, where for compensation, meals, or lodging and meals, are provided for four (4) or more non-transient guests.
- Buffer Strip:* A vegetated strip parallel and adjacent to the perimeter of the parking lot.
- Building:* A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, including tents, lunch wagons, dining carts, camp cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering, whether or not permanent in nature.
- Building accessory:* A subordinate building, customarily incidental to and located upon the same lot occupied by the main building.
- Building, height of:* The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the building to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.
- Building, main:* The principal building or one (1) of the principal buildings on a lot, or the building or one (1) of the principal buildings housing the principal use on the lot.
- Cellar:* (See basement)
- Child Care Center:* Any facility other than a Family Day Care Home, providing care, protection, and guidance to a group of children during only part of the day.
- Clinic:* A facility in which services provided by one or more physicians, dentists, or other health care providers take place on an outpatient basis.

- Cluster Development:* A development pattern in which residential, commercial, industrial and institutional uses, or combinations thereof, are grouped together, leaving portions of the land undeveloped. Such development usually involves density transfer where unused allowable densities in one area are permitted in another area. A zoning ordinance may authorize such development by permitting smaller lot sizes if a specified portion of the land is kept in permanent open space.
- Commission:* The planning commission of the Town of Dublin, Virginia.
- 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.
- Contractor Storage Yard:* An area used for storage of construction equipment, supplies and materials.
- Convenience Store:* A store designed for ease of access; which primarily offers for sale prepackaged food and dairy products, tobacco products, candy, paper, gasoline, and magazines; and having a size which limits the volume and variety of items sold, and is utilized because single purchases may be made quickly.
- Dairy:* A commercial establishment for the manufacture or retail sale of dairy products.
- Dwelling:* Any building which is designed or used for residential purposes, except hotels boarding houses, lodging houses, tourist cabins, apartments, and automobile trailers.
- Dwelling,  
multiple-family:* A dwelling or group of dwellings on one (1) plot containing separate living units for three (3) or more families, but which may have joint services or facilities for both.
- Dwelling,  
single-family:* A building arranged or designed to be occupied by one (1) family, a structure having only one (1) dwellings unit.
- Dwelling,  
two-family:* A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

<i>Dwelling unit:</i>	One (1) or more rooms providing complete living facilities for one (1) family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.
<i>Entrance:</i>	Connections over shoulders of public roads for intersecting property access ways.
<i>Essential Service:</i>	Is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or safety or general welfare.
<i>Family:</i>	A single individual, doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond as distinguished from a group occupying a board house, lodging house, club, fraternity, or hotel.
<i>Family, day care home:</i>	Any private family home in which less than nine (9) 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.
<i>Family, immediate member of:</i>	Any person who is a natural or legally defined off-spring, spouse, grand child, grand parent, or parent of the owner.
<i>Frontage:</i>	The minimum width of a lot measured from one (1) side lot line to the other along a straight line on which no point shall be further away from the street upon which the lot fronts than the building setback line as defined and required herein.
<i>Garage, private:</i>	A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
<i>Garage, public:</i>	A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.
<i>General store:</i>	A single store which offers for sale, primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general merchandise and hardware articles, and where gasoline may also be offered for sale but only as a secondary activity of a general store.
<i>Glare:</i>	The brightness of a light source which causes eye discomfort.

<i>Golf course:</i>	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.
<i>Golf driving range:</i>	A limited area on which players do not ordinarily walk, but onto which they golf balls from a central driving tee.
<i>Guestroom:</i>	A room which is intended, arranged, or designed, to be occupied, or which is occupied, by one (1) or more guests paying a direct or indirect compensation therefore, but in which no provision is made for cooking. Dormitories are excluded.
<i>Home garden:</i>	A garden in a residential district for the production of vegetables, fruits, and flowers generally for use and/or consumption by the occupants of the premises.
<i>Home occupation:</i>	An occupation carried on by the occupant of a dwelling as a secondary use thereto in connection with which there is not display, and not more than three (3) persons are employed, other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering, and architectural offices conducted within a dwelling by the occupant.
<i>Hospital:</i>	An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanatoriums, but excluding institutions primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts. (Certain nursing homes, and homes for the aged, may be "home occupations" if they comply with the definition herein.)
<i>Hospital, special care:</i>	A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics, or drug addicts.
<i>Hotel:</i>	A building designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.
<i>Housing, for the elderly:</i>	<p>A multi-family structure, designed for the elderly or physically handicapped, in which at least three (3) dwelling units and within which at least ninety (90) percent of all dwelling units (or all but one dwelling unit of the number of dwelling units if less than ten (10)) are occupied or designed for occupancy by:</p> <ul style="list-style-type: none"> <li>(a) Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or over or is handicapped, or</li> <li>(b) The surviving member or members of any family described in paragraph (a) living in a unit within the building with the deceased member of the family at the time of his or her death.</li> <li>(c) A single person who is 62 years of age or over or a non-elderly handicapped person between the ages of 18 and 62, or</li> </ul>

- (d) Two or more elderly or handicapped persons living together, or one or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well being.

For the purpose of this definition Handicapped Persons means any adult having an impairment which is expected to be of long, continued and indefinite duration, is a substantial impediment to his or her ability to live independently and is of a nature that such ability could be improved by more suitable housing conditions.

<i>Junk:</i>	Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.
<i>Junkyard:</i>	The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. The term "junkyard" shall include the term "automobile graveyard" as defined in section 15.1-28 and section 33.1-348 of the Code of Virginia of 1950, as amended.
<i>Kennel (public):</i>	A place prepared to house, board, breed, handle, or otherwise keep or care for dogs for sale or in return for compensation.
<i>Livestock market:</i>	A commercial establishment wherein livestock is collected and sold by auction or otherwise.
<i>Loading space:</i>	Is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading the merchandise of materials, and which abuts upon a street, alley or other appropriate means of access.
<i>Lot:</i>	A parcel of land occupied or to be occupied by one (1) building or group of main buildings and accessory buildings, together with such yards, open space, lot width and lot areas as are required by the ordinance, and having frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.
<i>Lot, corner:</i>	A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
<i>Lot, depth of:</i>	The average horizontal distance between the front and rear lot lines.
<i>Lot, double frontage:</i>	An interior lot having frontage on two (2) streets
<i>Lot, interior:</i>	Any lot other than a corner lot.



- Lot, of record:* A lot as shown on a plat which has been recorded in the clerk's office of the circuit court of Pulaski County, Virginia.
- Lot, width of:* The average horizontal distance between side lot lines.
- Luminaire:* A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.
- Maneuvering zone:* The portion of the parking area between parking bays. The width of this zone is measured as the distance between those bays.
- Manufacture and/or manufacturing:* The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
- Nonconforming activity:* The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance [May 20, 1972], or as a result of subsequent amendments to the ordinance.
- Nonconforming lot:* An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance [May 20, 1972] or as a result of subsequent amendments to the ordinance.
- Nonconforming structure:* An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance [May 20, 1972] or as a result of subsequent amendments to the ordinance.
- Off-street parking area:* Space provided for vehicular parking outside the dedicated street right-of-way. Each off-street parking space shall not be less than one hundred sixty-five (165) square feet in area, exclusive of access drives and aisles.
- Outdoor Recreational Areas:* A facility such as a stadium, golf course, tennis courts, miniature golf, baseball/softball diamond, ice rink or other structure or playing area specifically designed for the playing and/or viewing of outdoor sports.
- Parking lot:* That portion of a parcel designated in the site plan for use as an off-street parking area. Lots where vehicles are displayed for the purposes of use or sale in connection with a particular property use are excluded.
- Parking space:* An area designated for the purpose of storing a single automobile or single axle truck. Parking stalls for large vehicles such as recreational vehicles or tractor trailers are not included in this definition.
- Public water and sewer system:* A water or sewer system owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the

governing body and properly licensed by the state corporation commission, and subject to special regulations as herein set forth.

**Recreational vehicle:** A mobile unit, whether self-propelled or towed which is designed for temporary human habitation during travel, recreation, or vacation. This term includes motor homes, campers converted buses, and travel trailers.

**Restaurant:** Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshment stands.

**Retail stores and shops:** Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards), such as the following, which will serve as illustration: Drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty parlor.

**Rooming house:** Is any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals. A boarding house or furnished room house shall be deemed a "rooming house."

**Screening:** Screening may consist of architectural screens, vegetative material, or a combination of both.

(1) Architectural screens shall be 6 feet in height.

(2) Vegetation shall be at least 4 feet in height at the time of planting.

**Setback line:** The minimum distance by which the main building or structure line of any building or structure must be separated from the front lot line.

**Sight Triangle:** The triangular area formed by a point on each street center line located 50 feet from the intersection of the street center lines.

**Sign:** Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combination thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

**Sign Categories:**

- (1) **Canopy sign.** A sign which is painted on or attached directly to an architectural canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edge.

- (2) *Freestanding sign.* A sign not attached to nor printed on a building but which is supported by upright structural members or by braces on or in the ground.
- (3) *Portable sign.* A sign of six (6) sq. ft. or more designed to be transported with ease or designed to be transportable such as to permit its easy installation and removal. Such signs include but are not limited to signs with wheels, whether or not those wheels are removed; signs with chassis or support constructed without wheels; signs designed to be transported by trailer or wheeled conveyance; A- or T-frame signs; signs mounted on a vehicle for advertising purposes other than signs identifying the related business when the vehicle is being used for transport in the normal day-to-day operations of that business; and searchlight stands.
- (4) *Projecting sign.* A sign which is attached nominally perpendicular to a building, wall, roof, facade, canopy, marquee, or porch.
- (5) *Roof sign.* A sign which is erected or constructed and maintained from the roof of a building.
- (6) *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.
- (7) *Temporary sign.* A sign made of durable or nondurable material which is intended for a limited period of display.
- (8) *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.

***Sign Types:***

- (1) *Agricultural Product.* A temporary or permanent sign displayed on a farm to advertise agricultural produce available thereon.
- (2) *Billboard.* A standing general advertising sign which has a copy area greater than fifty (50) square feet.
- (3) *Business sign.* An on-premise sign which identifies a business and/or directs attention to a product, commodity, or service.
- (4) *General Advertising sign.* An off-premise sign which directs attention to a product, commodity, or service.
- (5) *Home Occupation sign.* A sign directing attention to a product, commodity, or service available on the premises but which product, commodity, or service is clearly a secondary use of the dwelling.
- (6) *Identification sign.* A permanent sign announcing the name of a church, school, park, historical site, or other public or quasi-public use, a subdivision, housing development, farm, estate, office park, shopping center or an industrial park which displays the name of same.
- (7) *Directional sign.* An off-premise sign which directs attention to the approximate location of a public or private establishment by naming and giving direction to the establishment. Such a sign is not to be used for general advertising.

- (8) *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.
- (9) *Professional Name Plate sign.* A permanent wall sign announcing the name of a professional, business, or similar occupant, the total area of which does not exceed one (1) square foot.
- (10) *Real Estate sign.* A temporary on-premise sign for the purpose of advertising the sale or lease, or the completion of the sale or lease, of real estate when erected or displayed on the property.

*Sign Structure:* Includes the supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.

*Store:* See retail stores and shops.

*Story:* That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is 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.

*Street, road:* A public thoroughfare more than twenty (20) feet in width which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.

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

*Structure:* Anything constructed or erected, the use of which requires a permanent location on the ground, or attachment to something having a permanent location on the ground, excluding fences or walls used as fences.

*Tourist court, auto court,  
motel, hotel, cabins, or  
motor lodge:*

One (1) or more buildings containing individual sleeping rooms, designed for, or used temporarily by, tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may or may not be provided for each unit.

*Tourist home:* A dwelling where only lodging is generally provided for compensation (in contrast to hotels and boarding houses) and open to transients.

*Townhome:* A single-family dwelling, which is owned by its inhabitants, forming one of a group or series of four or more attached single family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling to another.

*Travel way:* Those portions of parking lots that are not parking spaces, maneuvering zones between parking spaces or associated landscaping or pedestrian areas. The width of this zone shall be measured from inside curb to inside curb.

*Use:* Use is the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

*Use, accessory:* A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

*Variance:* A variance is relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance may be authorized for height, area, and size of structure or size of yards and open spaces, establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning division or district or adjoining zoning divisions or districts.

*Wayside stand, roadside stand, or wayside market:* Any structure or land used for the sale of agricultural or horticultural produce, or other like or related products.

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

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

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

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



## ARTICLE IV. DISTRICTS, ESTABLISHMENTS OF

### 4-1. Districts designated.

For the purpose of this ordinance, the incorporated areas of the Town of Dublin, Virginia, are hereby divided into nine (9) districts, as follows:

Residential .....	R-1
Residential .....	R-2
Residential (townhouse) .....	R-3
Business (local) .....	B-1
Business (general) .....	B-2
Business (highway commercial) ....	B-3
Business (planned) .....	B-4
Industrial .....	M-1
Planned Mobile Home Park .....	MH-1

### 4-2. Maps and boundaries.

The boundaries of said zoning districts are hereby established and shown on the Official Zoning Map. The zoning map entitled the "Official Zoning Districts Map for the Town of Dublin, Virginia", dated \_\_\_\_\_, 1992, as amended, hereinafter referred to as the Official Zoning Map, with all notations, references, amendments, and dates thereof, and other information shown thereon, shall constitute a part of this Ordinance. Said map shall be made a public record and shall be kept permanently in the office of the Zoning Administrator, where it shall be accessible to the general public.

**ARTICLE V. AGRICULTURAL DISTRICT A-1**

[Zone Deleted]

**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE VI. RESIDENTIAL DISTRICT R-1**

### **6-1. Use Regulations**

In residential district R-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- 6-1.1. Single-family dwellings, including manufactured houses that are nineteen (19) or more feet in width.
- 6-1.2. Public and semi-public uses such as schools, libraries, churches, hospitals (not special care).
- 6-1.3. Public or community operated playgrounds, parks and similar recreational facilities.
- 6-1.4. Home occupations as defined.
- 6-1.5. Off-street parking as required by this ordinance.
- 6-1.6. Accessory structures permitted as defined, however, garages or other accessory structures attached to the main structure shall be considered part of the main structure. No accessory structure may be closer than five (5) feet to any property line, except that this shall not apply to an alley line. (Carports, patios, or open spaces shall not be considered to be accessory structures).
- 6-1.7. Public utilities: Poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.
- 6-1.8. Real Estate signs, only to advertise the sale or rent of the premises upon which erected.
- 6-1.9. Church bulletin boards and identification signs.
- 6-1.10. Directional signs.
- 6-1.12. Satellite dishes as provided for herein.

## **6.2. Area Regulations.**

- 6-2.1 For residential lots containing a single-family dwelling served by public water and sewage disposal, the minimum lot area shall be ten thousand ~~(10,000)~~<sup>1500</sup> square feet.
- 6-2.2. For residential lots containing a single-family dwelling served by public water systems, but having individual sewage disposal, the minimum lot area shall be one (1) acre.
- 6-2.3. For residential lots containing a single-family dwelling served by individual water and sewage disposal systems, the minimum lot area shall be one (1) acre.
- 6-2.4. For permitted uses utilizing individual sewage disposal systems, the required area for any such shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. In all such cases, written approval shall be obtained from the health department.

## **6-3. Setback Regulations.**

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width. Where existing buildings have established a setback line, the average setback so established by the existing buildings shall apply.

## **6-4. Frontage Regulations.**

For single-family dwellings the minimum lot width at the setback line shall be ~~eighty (80)~~<sup>15</sup> feet or more.

## **6-5. Yard Regulations.**

- 6-5.1. Side: The minimum side yard shall be twelve (12) feet, and the total width of the two (2) required side yards shall be twenty-four (25) feet or more.
- 6-5.2. Rear: Each main building shall have a rear yard of twenty-five (25) feet or more.
- 6-5.3. No accessory structures shall be located within five (5) feet of party lot lines.

## **6-6. Height Regulations.**

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

- 6-6.1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards, each of which is twelve (12) feet or more, plus one (1) foot or more of side yard for each foot in height over thirty-five (35) feet.
- 6-6.2. A public or semi-public building such as school, church, library, or hospital may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 6-6.3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 6-6.4. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

## **6-7. Special Provisions for Corner Lots:**

- 6-7.1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- 6-7.2. The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory building. However, this shall not apply to carports, patios, or other open spaces.
- 6-7.3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred ten (110) feet or more.



**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE VII. RESIDENTIAL DISTRICT R-2**

### **7-1. Use Regulations.**

In residential district R-2, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- 7-1.1. Single-family dwellings, including manufactured houses that are nineteen (19) or more feet in width.
- 7-1.2. Two-family dwellings.
- 7-1.3. Multifamily dwellings, including apartment developments, condominiums and townhomes.
- 7-1.4. Public and semi-public uses such as schools, libraries, churches, hospitals (not special care).
- 7-1.5. Public or community-operated playgrounds, parks, and similar recreational facilities.
- 7-1.6. Professional offices such as medical, dental, legal, engineering, and architectural conducted within a building which conforms substantially to the architectural design of houses or other buildings located in close proximity thereto.
- 7-1.7. Home occupations, as defined.
- 7-1.8. Off-street parking as required by this ordinance.
- 7-1.9. Accessory structures permitted as defined; however, garages or other accessory structures attached to the main structure shall be considered part of the main structure. No accessory structure may be closer than five (5) feet to any side lot line, except that this shall not apply to an alley line. (Carports, patios or open spaces shall not be considered to be accessory structures.)
- 7-1.10. Public utilities poles, lines, distribution transformers, pipes, meter and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- 7-1.11. Church bulletin boards and identification boards.

7-1.12. Directional signs.

7-1.13. Home occupation signs.

7-1.14. Satellite dishes as provided for herein.

7-1.15. Uses allowed in Residential District R-1.

7-1.16. Special uses permitted pursuant to review and approval under Section 17.3 and 23-6

1. Group homes.

2. Boarding houses, tourist homes, bed and breakfasts.

3. Family day care homes.

4. Day-care centers.

## 7-2. Area Regulations

7-2.1. For residential lots containing or intended to contain a single-family dwelling served by public and sewage disposal, the minimum lot area shall be ten thousand ~~(10,000)~~<sup>(7,500)</sup> square feet.

7-2.2. For residential lots containing or intended to contain two or more family dwellings served by public water and sewage disposal, the minimum lot area shall be ten thousand ~~(10,000)~~<sup>(3,500)</sup> square feet and an additional **three thousand five hundred** (3,500) square feet for each additional dwelling unit.

7-2.3. For residential lots containing a single-family dwelling served by public water systems and individual sewage disposal systems, the minimum lot area shall be one (1) acre.

7-2.4. For residential lots containing a single-family dwelling served by individual water and individual sewage disposal systems, the minimum lot area shall be one (1) acre.

7-2.5. For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator may require a greater area if considered necessary by the health official. In all such cases written approval shall be obtained from the health department.

### **7-3. Setback Regulations:**

Structures shall be located thirty-five (35) feet or more from any street right-of-way which is fifty (50) feet or greater in width. Where existing buildings have established a setback line, the average setback so established by the existing buildings shall apply. If there is no established setback line and the street is less than fifty (50) feet, the setback shall be thirty-five (35) feet, less one-half the difference between the width of the street and fifty (50) feet, but not less than twenty (20) feet.

### **7-4. Frontage Regulations.**

For single-family dwellings the minimum lot width at the setback line shall be seventy-five (75) feet or more, and for each additional dwelling unit there shall be at least ten (10) feet of additional lot width at the setback line.

### **7-5. Yard Regulations.**

- 7-5.1. *Side:* The minimum side yard shall be twelve (12) feet, and the total width of the two (2) required side yards shall be twenty-four (24) or more.
- 7-5.2. *Rear:* Each main building shall have a rear yard of twenty-five (25) feet or more.
- 7-5.3. No accessory structure will be located within five (5) feet of a party lot line.

### **7-6. Height Regulations.**

Buildings may be erected up to thirty-five feet in height from grade except that:

- 7-6.1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 7-6.2. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot in height for each foot in height over thirty-five (35) feet.

- 7-6.3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antenna and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- 7-6.4. No accessory building which is within ten (10) feet of any part lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

#### **7-7. Special Provisions for Corner Lots.**

- 7-7.1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.
- 7-7.2. The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory structures. However, this shall not apply to carports, patios, or other open spaces.
- 7-7.3. For subdivisions platted after the enactment of this ordinance, each corner lot shall have a minimum width at the setback line of one hundred (100) feet or more.



**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE VIII. TOWNHOUSE RESIDENTIAL DISTRICT R-3**

### **8-1. Intent of the Townhouse Residential District R-3.**

The Intent of the Townhouse Residential District is to provide for a range of residential development densities in accordance with the Town of Dublin Comprehensive Plan, and approval of an application meeting the requirements of this district.

### **8-2. Permitted Uses.**

Within the Townhouse Residential District R-3 the following uses are permitted:

- 8-2.1. Single-family dwellings;
- 8-2.2. Two-family dwellings;
- 8-2.3. Townhouse developments;
- 8-2.4. Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools, and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than one hundred (100) feet to any residence.
- 8-2.5. Public utilities, distribution transformers, pipes, meter and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- 8-2.6. R-1 uses provided the use complies with the requirements of the R-1 District.
- 8-2.7. R-2 uses, other than as specifically allowed within section 8-2.2 herein, are not allowed.**

### **8-3. Special Exceptions**

When, after review of an application and hearing thereon, in accordance with Article 8-11 herein, the Dublin Town Council finds as a fact that the proposed use is compatible with surrounding 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 Dublin, the following uses may be permitted with appropriate conditions:

- 8-3.1. Child care centers and family day care homes;
- 8-3.2. Homes for adults;
- 8-3.3. Other uses of similar character to Permitted and Special Exceptions which will not be detrimental to the neighborhood.

#### **8-4. Accessory Uses.**

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

- 8-4.1. Signs as provided for herein;
- 8-4.2. Parking as provided for herein;
- 8-4.3. Satellite dishes as provided for herein.

#### **8-5. Area Regulations.**

A minimum of twenty (20) percent of the gross acreage of a townhouse development shall be provided for common open space. Such land shall be of such location, condition, size and shape to be usable for recreation and common open space.

#### **8-6. Setback Regulations.**

The setback shall be a minimum of twenty (20) feet and an average of twenty-five (25) feet from the front line with not more than two (2) abutting townhouses having the same setbacks. Front yard setbacks of adjoining staggered units shall vary a minimum of three (3) feet with a maximum of eight (8) feet.

#### **8-7. Frontage Regulations.**

There are no specific frontage regulations for townhome developments. Other developments shall comply with the requirements defined for the R-2 District.

#### **8-8. Yard Regulations.**

Where a R-3 district abuts a non-R-3 district the following yard requirement shall apply:

- 8-8.1. Side: The minimum side yard shall be twelve (12) feet.
- 8-8.2. Rear: The minimum rear yard shall be twenty-five (25) feet.
- 8-8.3. No accessory structures shall be located within five (5) feet of party lot lines.

#### **8-9. Height Regulations.**

Buildings may be erected up to thirty-five (35) feet in height from grade except that:

- 8-9.1. The height limit for dwellings may be increased up to ten (10) feet and up to three (3) stories provided there are two (2) side yards, each of which is ten (10) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- 8-9.2. A public or semi-public building such as a school, church, library, or hospital may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.
- 8-9.3. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antenna and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on the building on which the walls rest.
- 8-9.4. No accessory building which is within ten (10) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

#### **8-10. Special Provisions.**

- 8-10.1. All townhouses shall be adjacent to a street, parking area, or service access as approved by the Planning Commission.
- 8-10.2. No more than eight (8) dwelling units shall be constructed in a contiguous series of townhouses.
- 8-10.3. Facades, roofs, and treatment of external materials shall be submitted as a condition of site plan approval. Not more than two (2) abutting dwelling units and not more than one-third (1/3) of any abutting series of dwelling units shall have the same architectural design or treatment of materials.

- 8-10.4. All utilities, including those requiring transmission by wires, shall be placed underground or under surface, except pad mounted utility installations which shall be screened with at least a seventy-five (75) percent opaque screen to a height of at least one (1) foot higher than the installation to be screened.

**8-11. Data to Accompany Application.**

With the R-3 district, there shall be submitted a tentative, overall development plan which shall include:

- 8-11.1. Mapping of the project at an accurate scale for the proposed development plan:

- (1). Proposed land uses including residential types, recreation and any other;
- (2). Proposed street system including public and private right-of-way;
- (3). Proposed parking areas and parking space delineation;
- (4). Proposed plat showing subdivision lot lines;
- (5). Proposed utility rights-of-way or easements including water, sewer, gas, power, and telephone;
- (6). Proposed drainage plan;
- (7). Proposed location of buildings, structures, and improvements;
- (8). Proposed pedestrian circulation system;
- (9). Proposed landscaping plan and proposed treatment of the project perimeter such as screening;
- (10). Relationships and tie-ins to adjacent property.

- 8-11.2. Supporting documentation to include the following data:

- (1). A legal description of the project boundaries;
- (2). A statement of existing and proposed property owners;



- (3). Names and addresses of all adjacent property owners;
  - (4). A statement of project development objectives and character to be achieved;
  - (5). An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
  - (6). A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
  - (7). 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.
  - (8). Proposed building types including architectural style, height, and floor area;
  - (9). Approvals from the Virginia Department of Transportation and the Virginia Department of Health;
  - (10). Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
  - (11). A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
- 8-11.3. A description of the project proposed in sufficient detail to indicate its effects on the neighborhood. Engineering or architectural plans for the handling of any such problems, including the handling of storm water, sewers, and traffic;
- 8-11.4. Any other information the Planning Commission may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.

## **8-12. Phasing Plan.**

If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the

areas to be developed in each phase and the approximate development schedule of each phase.



**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE IX. BUSINESS DISTRICT B-1 (LOCAL)**

### **9-1 Use Regulations.**

In business district B-1, structures to be erected, or land to be used, shall be for one (1) or more of the following uses:

- 9-1.1. Retail business: Retail stores or shops and service establishments such as medical and dental clinics; small grocery stores, drug stores, pick-up laundry and dry cleaners, laundromats, barber and beauty shops, or any similar retail business or services established for the benefit of the neighborhood residents.
- 9-1.2. Offices: professional, financial, public offices.
- 9-1.3. Restaurants.
- 9-1.4. Child-care facilities as a secondary component of a business operation.
- 9-1.5. Off-street parking as required by this ordinance.
- 9-1.6. Public and semi-public uses such as churches, libraries, and recreational facilities.
- 9-1.7. Public utilities, transformer substations, transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads (except railroad yards) and water and sewage installations.
- 9-1.8. Business signs.
- 9-1.9. Church bulletin boards and identification boards.
- 9-1.10. Directional signs.
- 9-1.11. Home occupation signs.
- 9-1.12. R-2 uses ~~[Deleted: (except apartment developments)]~~ provided the use complies with the requirements of the R-2 district.

## **9-2. Area Regulations.**

- 9-2.1. No minimum lot size is required; however, lot size shall be adequate to provide the setback and yard space required by this article.
- 9-2.2. No minimum lot width is required; however, all lots shall abut a lawfully developed public street and have adequate width to provide the setback and yard space required by this article.
- 9-2.3. Main building and accessory structures shall occupy no more than eight (80) percent of the total lot area.
- 9-2.4. Off-street parking which shall be in accord with the provisions contained herein.

## **9-3. Setback Regulations.**

- 9-3.1. All structures and all portions of structures shall be located behind the street right-of-way line.

## **9-4. Yard Regulations.**

Where a B-1 district abuts a residential district the following yard requirements shall apply.

- 9-4.1. Side: The minimum side yard shall be twelve (12) feet.
- 9-4.2. Rear: The minimum rear yard shall be twenty-five (25) feet.
- 9-4.3. No accessory structures shall be located within five (5) feet of party lot lines.

## **9-5. Height Regulations.**

- 9-5.1. Building may be erected up to sixty (60) feet in height from the grade; except, that a building may be erected to a greater height if front, side and rear yards are provided at the rate of one (1) foot for each additional one foot in height.

## **9-6. Special Provisions:**

- 9-6.1. Lots will be landscaped in accordance with the provisions herein.

9-6.2. Off street parking will be provided in accordance with the provisions herein.

- 10-2.1. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.
- 10-2.2. Apartment developments.
- 10-2.3. Other uses of similar character to permitted and special exceptions which will not be detrimental to the district.

**10-3. Area regulations.**

- 10-3.1. No minimum lot size is required; however, lot size shall be adequate to provide the setback and yard space required by this article.
- 10-3.2. No minimum lot width is required; however, all lots shall abut a lawfully developed public street and have adequate width to provide the yard space required by this article.

**10-4. Setback regulations.**

- 10-4.1. All structures and all portions of structures shall be located behind the street right-of-way line.

**10-5. Yard regulations.**

Where a B-2 district abuts a residential district the abutting yard shall meet the following requirements that apply.

- 10-5.1. *Side:* The minimum side yard shall be twelve (12) feet.
- 10-5.2. *Rear:* The minimum rear yard shall be twenty-five (25) feet.
- 10-5.3. No accessory structures shall be located within five (5) feet of party lot lines.

**10-6. Height regulations.**

- 10-6.1. Buildings may be erected up to sixty (60) feet in height from the grade; except, that a building may be erected to a greater height if front, side and rear yards are provided at the rate of one (1) foot for each additional one foot in height.

## **ARTICLE X. BUSINESS DISTRICT B-2 (GENERAL)**

### **10-1. Use regulations.**

In business district B-2, structures to be erected or land to be used shall be for one (1) or more of the following or similar uses:

- 10-1.1. Commercial uses serving the needs of the community, such as retail drug stores, food sales, wearing apparel shops, auto and home appliance sales and services, barber and beauty shops, offices, hotels, motels, theaters, assembly halls, and personal and professional services. Only merchandise intended to be sold at retail on the premises shall be stocked. Wholesale and processing activities that would be objectionable because of noise, fumes, or dust are excluded.
- 10-1.2. Gasoline filling stations for servicing and minor repairing of motor vehicles when in a completely enclosed structure; public garages for storage and repair of motor vehicles when in a completely enclosed structure, and automobile agencies.
- 10-1.3. Restaurants.
- 10-1.4. Professional, medical, and financial offices.
- 10-1.5. Public and semi-public uses such as churches, libraries, recreational facilities.
- 10-1.6. Undertaking establishments and funeral homes.
- 10-1.7. Public utilities; transmission lines and towers, pipes, meters and other facilities for the provision and maintenance of public utilities, including railroads (except railroad yards) and water and sewerage installations.
- 10-1.8. General advertising signs.
- 10-1.9. Business signs.
- 10-1.10. Location signs.
- 10-1.11. R-2 except apartment developments uses provided the use complies with the requirements of the respective lower density districts allowing these uses.
- 10-1.12. Parking to serve on-site parking demand or as an independent use.

### **10-2. Special Exceptions.**

When, after review of an application and hearing thereon, in accordance with Section 17-3 and XXIII herein, the Dublin Town Council finds as a fact that the proposed use is compatible with surrounding 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 Town of Dublin, the following uses may be permitted with appropriate conditions:



When, after review of an application and hearing thereon, in accordance with Section 17-3 and XXIII herein, the Dublin Town Council finds as a fact that the proposed use is compatible with surrounding 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 Town of Dublin, the following uses may be permitted with appropriate conditions:

- 11-2.1. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.
- 11-2.2. Apartment developments.
- 11-2.3. Other uses of similar character to permitted and special exceptions which will not be detrimental to the district.

**11-3. Area regulations.**

- 11-3.1. No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by this article.
- 11-3.2. A minimum lot width at the setback line of 100 feet is required; all lots shall abut a lawfully developed public street.
- 11-3.3. Main and accessory structures shall occupy no more than eighty (80) percent of the total lot area.
- 11-3.4. A minimum distance between curbcuts of seventy-five (75) feet is required.
- 11-3.5. Off-street parking which shall be in accord with the provisions contained herein.

**11-4. Setback regulations.**

- 11-4.1. All structures shall be located a minimum of fifteen (15) feet from the right-of-way of any street.
- 11-4.2. The setback area will be landscaped in keeping with the provisions herein.

**11-5. Yard regulations.**

- 11-5.1. A side and/or rear yard shall be required if such yard is adjacent to a residential zoning district. This required yard shall equal or exceed twelve (12) feet.
- 11-5.2. No accessory structures shall be located within five (5) feet of party lot lines.

**11-6. Height regulations.**

- 11-6.1. Buildings may be erected up to thirty-six (36) feet in height from the grade; except, that a building may be erected to a greater height if front, side and rear yards are provided at the rate of one (1) foot for each additional one foot in height.

## **ARTICLE XI: BUSINESS DISTRICT B-3 (HIGHWAY COMMERCIAL)**

### **11-1. Use regulations.**

In business district B-3, structures to be erected or land to be used shall be for one (1) or more of the following or similar uses:

- 11-1.1. Commercial uses serving the needs of the community, such as retail drug stores, food sales, wearing apparel shops, auto and home appliance sales and services, barber and beauty shops, offices, hotels, motels, theaters, assembly halls, and personal and professional services. Only merchandise intended to be sold at retail on the premises shall be stocked. Wholesale and processing activities that would be objectionable because of noise, fumes, or dust are excluded.
- 11-1.2. Gasoline filling stations for servicing and minor repairing of motor vehicles when in a completely enclosed structure; public garages for storage and repair of motor vehicles when in a completely enclosed structure, and automobile agencies.
- 11-1.3. Restaurants including fast-food restaurants.
- 11-1.4. Veterinary services.
- 11-1.5. Public and semi-public uses such as churches, libraries, recreational facilities.
- 11-1.6. Undertaking establishments and funeral homes.
- 11-1.7. Public utilities poles, lines, distribution transformers, pipes, meter and other facilities necessary for the provision and maintenance of public utilities, including water and sewage facilities.
- 11-1.8. Business signs.
- 11-1.9. General advertising signs.
- 11-1.10. Location signs.
- 11-1.11. Off-street parking as required by this ordinance.
- 11-1.12. R-2 uses except apartment developments provided the use complies with the requirements of the R-2 district.
- 11-1.13. Body shops when in a completely enclosed structure.
- 11-1.14. Off-street parking as required by this ordinance.
- 11-1.15. B-3 uses provided the use complies with the requirements of the B-3 district.

### **11-2. Special Exceptions.**

## **ARTICLE XII: BUSINESS DISTRICT B-4 (PLANNED BUSINESS)**

### **12-1. Purpose.**

The Planned Business District is intended to permit the development of neighborhood business areas. Within this district the location of buildings, design of buildings, parking areas, and other open spaces shall be controlled in such a manner that it will not be a detriment to the adjoining residential property or to the neighborhood in general.

### **12-2. Permitted uses.**

The following uses are by right, subject to compliance with all approved plans, permits, and standards contained in this section:

12-2.1. Uses permitted will be the same as those permitted in the B-1, B-2 and B-3 districts.

### **12-3. Area regulations.**

Development must encompass 2 or more acres or has 250 or more feet of frontage on a primary highway.

### **12-4. Development standards.**

12-4.1. In this district, maximum lot coverage, height regulations, and off-street parking shall comply with the requirements of the B-3 District.

12-4.2. There shall be a fifteen (15) foot, vegetated setback from all street right-of-ways and all adjoining residential property. This setback shall act as a buffer between the business, roadways, and residential uses. It shall be fully landscaped and maintained with grass and with trees or shrubbery of sufficient height and density to serve as a screen between the business and any residential areas. The buffer zone shall not constitute a site-distance obstruction at street intersections. The buffer zone shall be considered as part of the lot area but shall not be used for any business purpose such as buildings, parking lots, signs, or any accessory use. The buffer zone, upon completion of development of the project shall be at or near the same grade or plane which existed prior to the development of the planned business district property, unless otherwise expressly reviewed and approved by the Planning Commission.

12-4.3. 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 vegetated setbacks and buffer yards.

12-4.4. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings and preserve existing watercourses;

12-4.5. The street system within the project area shall be designed:

- (1) In compliance with VDOT subdivision street standards and recommendations;
- (2) To complement the natural topography;
- (3) In coordination with existing and planned streets.

- 12-4.6. Street lighting and illumination shall not raise ambient light levels of adjacent residential properties;
- 12-4.7. Provision shall be made for walkways/bike paths which will enable patrons to walk safely and conveniently within the project;
- 12-4.8. 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;
- 12-4.9. 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 waterways traverse the project area, an easement or right-of-way shall be provided to handle anticipated drainage flows from the watershed;
- 12-4.10. The site development plan shall be designed to minimize the amount of grading required for development to the extent feasible;
- 12-4.11. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic views, neighborhood integrity etc.;
- 12-4.12. Signage shall conform to the requirements applicable in a B-2 or where applicable the following whichever is more restrictive.
  - (1) For each shopping center, one ground sign having a maximum area of thirty-two (32) square feet, maximum overall height of fifteen (15) feet, minimum distance from street line of fifteen (15) feet indicating the name of the shopping center. In lieu of the shopping center name, the one sign may designate a business use or a combination of business uses within the center.
  - (2) For each individual business; one sign attached to the building having a maximum area of one (1) square foot for each linear foot of building frontage occupied by a single permitted use; to a maximum of 24 square feet.

#### **12-5. Data to Accompany Application.**

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

- 12-5.1. Mapping of the project shall comply with the provisions of Section 23-3 of this Appendix.
- 12-5.2. Supporting documentation to include the following minimum data:
  - (1) A statement of project development objectives and character to be achieved;
  - (2) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;

- (3) A statement of Intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
  - (4) 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;
  - (5) Proposed building types including architectural style, height, and floor area;
  - (6) Approvals from the Virginia Department of Transportation and the Virginia Department of Health;
  - (7) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
  - (8) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.
- 12-5.3. A description of the business operations proposed in sufficient detail to indicate the effects of those operations on the neighborhood. Engineering or architectural plans for the handling of any such problems, including the handling of storm water, sewers, and traffic;
- 12-5.4. Any other information the Planning Commission and Town Council may need to adequately consider the effect that the proposed uses may have upon the area, and/or the cost of providing municipal services to the area.

#### **12-6. Phasing Plan.**

If the project area is to be developed in stages, a phasing plan shall be submitted with the final development plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase.



#### **13-6. Yard regulations.**

13-6.1. A side and/or rear yard shall be required if such yard is adjacent to a residential zoning district. This required yard shall equal or exceed fifteen (15) feet.

13-6.2. No accessory structure will be located within fifteen (15) feet of a party lot line.

#### **13-7. Height regulations.**

Buildings may be erected up to thirty-six (36) feet in height from grade except that:

13-7.1. The height limit for buildings may be increased provided there are two (2) side yards and a rear yard, each of which is thirty-six (36) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

#### **13-8. Special Provisions**

13-8.1. Lots will be landscaped in accordance with the provisions herein. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees, and clients.

13-8.2. Off street parking will be provided in accordance with the provisions herein.

13-8.3. All utilities, including those requiring transmission by wires, shall be placed underground or under surface, except pad mounted utility installations which shall be screened with at least a seventy-five (75) percent opaque screen to a height of at least one foot higher than the installation to be screened.

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## **ARTICLE XIII: INDUSTRIAL DISTRICT M-1**

### **13.1. Use regulations.**

In Industrial district M-1, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- 13-1.1. The manufacture, storage, or handling of products that are not likely to be dangerous or offensive because of odor, dust, fire, explosion or other reasons, and which employ processes or equipment that do not produce objectionable noise, vibration, smoke, gas, wastes, or the like.
- 13-1.2. Building material sales yards, plumbing supplies storage.
- 13-1.3. Wood yards, lumber yards, feed and seed stores.
- 13-1.4. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- 13-1.5. Cabinet, furniture and upholstery shops.
- 13-1.6. Freight or trucking yard or terminal.
- 13-1.7. Kennels.
- 13-1.8. Wholesale businesses, storage warehouses.
- 13-1.9. Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- 13-1.10. Business signs.
- 13-1.11. Location signs.

### **13-4. Frontage regulations.**

No minimum lot width has been established; however, lot frontage must be sufficient to provide for setback requirements, yard requirements, and an adequate entrance design including deceleration lane and taper if appropriate.

### **13-5. Setback regulations.**

- 13-5.1. All structures shall be located a minimum of fifteen (15) feet from the right-of-way of any street.
- 13-5.2. The setback area will be landscaped in keeping with the provisions herein.

## **ARTICLE XIV: STANDARDS FOR TELECOMMUNICATION ANTENNAS & TOWERS**

### **14-1 Definitions**

**Alternative tower structure:** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna:** Any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves, infrared waves or laser technology.

**FAA:** The Federal Aviation Administration.

**FCC:** The Federal Communications Commission.

**Height:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

### **14-2 Use Regulations**

The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the Town of Dublin,
- Encourage strongly the joint use of new and existing tower sites,
- Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal,
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
- To provide adequate sites for the provision of telecommunication services with minimal negative impact on the resources of the Town of Dublin.

This ordinance is intended to comply with all federal and state regulations.

## **14-2.1 Applicability**

This section shall apply to and supersede any reference in any portion of the existing Zoning Ordinance of the Town of Dublin.

### **14-2.1.1 Location of Towers**

Towers, as defined herein and other than for amateur purposes, shall be located only within zoning districts specified for business, commercial or industrial use.

### **14-2.1.2 District Height Limitations.**

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at greater than, fifty (50) feet in height.

### **14-2.1.3 Amateur Radio and Receive-Only Antennas.**

This ordinance shall not govern any tower or the installation of any antenna, that is (1) under 50 feet in total height from ground level and is owned and operated by a federally-licensed amateur radio station operator or is (2) used exclusively for reception-only antennas for amateur radio station operation.

### **14-2.1.4 Existing Structures and Towers.**

The placement of an antenna on or in an existing structure such as a building, sign, light pole, water tank, or other free-standing structure or existing tower or pole shall be permitted so long as the addition of said antenna shall not add more than twenty (20) feet in height to said structure or tower, shall not extend more than fifty (50) feet above the ground and shall not require additional lighting pursuant to FAA or other applicable requirements. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with said antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use. Any such additional structure must meet the set-back requirements of the Town of Dublin Zoning Ordinance for the particular zoned density.

## **14-2.2 General Guidelines and Requirements**

### **14-2.2.1 Principal or Accessory Use**

For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this

ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

#### **14-2.2.2 Inventory of Existing Sites.**

Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing facilities that are either within the locality or within five miles of the border thereof, including specific information about the location, height, and existing use and available capacity of each tower. The Zoning Administrator may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town of Dublin. However, that the Zoning Administrator shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

#### **14-2.2.3 Design; Lighting**

The requirements set forth in this section shall govern the location of all towers and the installation of all antennas governed by this ordinance; provided however, that the Planning Commission may waive any of these requirements if it determines that the goals of this ordinance are better served thereby.

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
- b. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- f. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 150 feet unless engineering justification is provided to document the additional height request.



g. Towers shall be designed to collapse within the lot lines or lease area in case of structural failure.

### **14-2.3 Federal Requirements**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas.

### **14-2.4 Building Codes**

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state and local building codes and regulations. A bond in the amount to be determined by the Town Manager shall be provided to the Town of Dublin prior to the issuance of any construction or building permit in the amount sufficient to cover the cost of removal of any tower and ancillary support structures.

### **14-2.5 Information Required**

Each applicant requesting a special use permit under this ordinance shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, set-backs, drives, parking, fencing, landscaping and adjacent uses. The Planning Commission may require other information to be necessary to assess compliance with this ordinance, including frequencies of transmission, power in watts, and a copy of the antenna pattern. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site. Each request for special use permit shall be submitted to the Zoning Administrator for review prior to it being submitted to the Planning Commission for consideration of the request.

#### **14-2.5.1 Compatibility**

Any proposed tower must be compatible for co-location with a minimum of three (3) users including the primary user. The applicant must submit an engineering study certifying such multiple use is feasible. A governing body in a particular case may waive this provision.

#### **14-2.5.2 Co-Location Policy**

The applicant shall provide copies of its co-location policy.

### **14-2.5.3 Propagation Maps**

The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.

### **14-2.6 Factors Considered in Granting Special Use Permits for New Towers**

The applicant shall obtain a special use permit from the Town of Dublin Planning Commission before erecting towers or antennas covered by this article. The Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Commission concludes that the goals of this ordinance are better served thereby.

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of the uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress;
- h. Co-location policy;
- i. Language of the lease agreement dealing with co-location; Consistency with the comprehensive plan and the purposes to be served by zoning;
- j. Availability of suitable existing towers and other structures as discussed below; and
- k. Proximity to commercial or private airports.

### **14-2.7 Availability of Suitable Existing Towers or Other Structures**

No new tower shall be permitted unless the applicant demonstrates without question to the satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed

- antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

#### **14-2.8 Setbacks**

The following setback requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby.

- a. The tower must be set back from any off-site residential structure no less than four hundred (400) feet.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

#### **14-2.9 Security Fencing**

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.

#### **14-2.10 Landscaping**

The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

- a. Tower facilities shall be landscaped prior to use of the facilities with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.
- b. In locations in which Commission finds that the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases such as towers sited on large wooded lots, the Commission may determine the natural growth around the property perimeter may be sufficient buffer.
- d. Existing trees within two hundred (200) feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle ingress/egress or utilities. In a particular case, this provision may be waived by a governing body.

#### **14-2.11 Local Government Access**

Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio or telephonic communication for Town or County departments and emergency services, provided it does not conflict with the co-location requirement of

#### **14-2.12 Removal of Abandoned Antennas and Towers**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of each such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Town of Dublin, notifying the owner of such equipment removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may remain with owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower or the owner provides certification to the Town of intentions to resume operation with ninety (90) days. A bond shall be provided to the Town to be retained until the antenna or tower is removed. If no response is made by the owner within the ninety (90) day period following notice, the Town of Dublin may cause the antenna or tower to be removed. The cost of removal shall be assessed to the landowner and/or antenna or tower owner as a lien equal to a tax lien. Such removal expense shall be levied after public hearing in the same manner as a property maintenance violation enforcement.

#### **14-2.13 Required Yearly Report and Notice of Substantive Changes**

The owner of each such antenna or tower shall submit a report to the Town of Dublin Planning Commission, once a year, no later than July 1. The report shall state the current user status of the tower. Notification to the Town is also required of substantive changes at least fifteen (15) days prior to commencement of those changes.

#### **14-2.14 Review Fees**

Any out of pocket costs incurred for review by a licensed engineer of any of the information required above shall be paid by the applicant.

**ARTICLE XIV: RESERVED**



## **ARTICLE XV: PLANNED MOBILE HOME RESIDENTIAL DISTRICT MH-1**

### **15-1. Intent of the Mobile Home District MH-1**

The Intent of the Planned Mobile Home Residential District MH-1 is to recognize that certain land in the community may be appropriately developed in the form of mobile home parks and mobile home subdivisions. To this end, the site development and arrangement in relation to other areas together with the consideration in achieving an attractive residential environment of sustained desirability with all development in harmony to promote stability, order, and efficiency of the mobile home park and adjacent areas.

The MH-1 District is considered a "floating" zone and classification of a piece of property as MH-1 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the proposed use is compatible with adjacent land uses.

### **15-2. Permitted Uses.**

Within Planned Mobile Home Residential District MH-1 the following uses are permitted:

15-2.2. Mobile homes equipped with water-flushed toilet, lavatory, and bath or shower facilities;

15-2.3. Accessory structures and uses in association with permitted dwellings;

15-2.4. Permanent buildings associated with mobile home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:

(1) Parking requirements for such facilities are met;

(2) Such uses are subordinate to the residential use and character of the park.

15-2.5. Parking as required herein;

### **15-3. Special Exceptions.**

When, after review of an application and hearing thereon, in accordance with Section 17-3 and XXIII herein, the Dublin Town Council finds as a fact that the proposed use is compatible with surrounding 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 Town of Dublin, the following uses may be permitted with appropriate conditions:

15-3.1. Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood.

15-3.2. Satellite dishes as the primary structure on a single lot of record as provided for herein.

### **15-4. Accessory Uses.**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, including:

15-4.1. Directional, Identification signs;

15-4.2. Satellite dishes.

**15-5. Procedure generally.**

The following procedure shall be followed in placing land in the planned mobile home residential district:

15-5.1. *Eligibility:* Any tract of land four acres or more in area, may apply for MH-1 district zoning classification.

15-5.2. *Application:* The application shall include the following:

(1) Traffic circulation pattern including roadways, accessways and common parking areas.

(2) Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan within four (4) years.

(3) The average and minimum size of all lots for sale or lease to be developed.

(4) Location and types of screening to be used.

• 15-5.3. *Approval of preliminary plan:* Approval of the preliminary plan shall be granted in the same manner as any rezoning. Such approval shall be for a period of twelve (12) months and may be extended by Town Council upon application.

15-5.4. *Effect of approval:* Approval of the preliminary plan shall authorize the administrator to approve a final site development plan, which may be in phases and which meets all other requirements of town, state, and federal code, provided such plan is in substantial conformance with the approved preliminary plan. If such final site plan is not submitted within the time allotted a notice of revocation of the final development plan shall be filed with the clerk of the circuit court and the previous zoning classification shall continue in effect.

15-5.5. *Amendments and additions:* Amendments to the approved preliminary plan or additions to the preliminary site plan must be submitted and approved in the same manner as the preliminary plan.

**15-6. Area requirements.**

15-6.1. The maximum density shall not exceed ten units per acre of gross land area.

15-6.2. A minimum tract width of three hundred (300) feet is required at the front of the mobile home closest to the street.

**15-7. Yard requirements.**

15-7.1. A front setback of thirty (30) feet or more from any street right-of-way.

15-7.2. A side setback of a minimum of twenty (20) feet on each side shall be provided.

15-7.3. A rear setback of a minimum of twenty (20) feet shall be provided.

12.7.4. Screening shall be provided in all yards adjacent to any district other than MH-1 or Industrial.

**15-8. Development standards.**

15-8.1. All streets shall be built to Virginia Department of Transportation standards, paved, and dedicated to the Town of Dublin.

15-8.2. Each mobile home site shall be provided with a water outlet connection to a public water supply and a connection to a public sewer system.

15-8.3. Storage and collection of refuse shall comply with Town ordinances.

15-8.4. An identification system shall be made a part of the design of any mobile home development and consist of a logical sequential pattern of numbering lots. Such numbers shall be displayed on a permanent marker placed on the mobile home site fronting the street or accessway to the site and visible from the street or accessway.

15-8.5. There shall be provided an open and usable recreation area of a minimum of ten (10) percent of the total gross area of the mobile home park.

15-8.6. All utility lines shall be placed underground.

15-8.7. All mobile home parks shall provide an adequate lighting system.

15-8.8. Underpinning must be accomplished within thirty (30) days of mobile home placement.

**15-9. Individual mobile home site standards.**

15-9.1. A minimum lot size.

(1) 3,150 square feet shall be required for each mobile home fourteen (14) feet or less in width.

(2) 3,800 square feet shall be required for each mobile home greater than fourteen (14) feet in width.

(3) 4,800 square feet shall be required for each double wide mobile home.

15-9.2. Minimum yard requirements.

(1) The front yard shall be ten (10) or more feet in depth.

(2) The yard on either side of the mobile home shall be fifteen (15) feet or more

(3) The rear yard shall be ten (10) or more feet in depth.

15-9.3. Only one mobile home shall be permitted on any lot.

15-9.4. Accessory structures may be permitted in the side and rear yards. A minimum of 20 feet must separate the structure from the closest residential structure

15-9.5. Maximum lot coverage shall be sixty (60) percent for structures and parking

## ARTICLE XVI. NONCONFORMING USES

### 16-1. Continuation.

- 16-1.1. *Generally.* If at the time of enactment of this ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.
- 16-1.2. *Changes allowed.* If any change in title or possession, or renewal of a lease of any such lot or structure occurs, the use may be continued.
- 16-1.3. *Discontinuance of use.* If any nonconforming use (structure or activity) is discontinued for a period exceeding one (1) year, after the enactment of this ordinance, it shall then conform to the requirements of this ordinance.
- 16-1.4. *Seasonal uses.* Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded.
- 16-1.5. *Permits previously issued.* The construction or use of nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance. Council may grant an extension if the circumstances justify such extension.
- 16-1.6. *Changes in districts.* Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this ordinance.
- 16-1.7. *Automobile graveyards and junkyards in existence* at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this ordinance in which to completely screen, on any open side, the operation or use by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge between six (6) and ten (10) feet in height. Compliance with the provisions of state law or an ordinance of the Town specifically establishing specifications for screening may be allowed by the Town in lieu of the provisions of this ordinance.

TABLE 1: LOT REGULATION BY DISTRICT

DISTRICT	CONDITIONS	MINIMUM LOT SIZE (1)	SETBACK (2)	FRONTAGE AT SETBACK (2)	SIDE YARD (2)	REAR YARD (2)	MAXIMUM HEIGHT (2)
R-1	Public Water & Sewer	10,000	35	100	2 Yards (each 12 feet minimum)	25	35
	Public Water Only	43,560					
	Individual Water & Sewer	43,560					
R-2	Public Water & Sewer	10,000	35	75	2 Yards (each 12 feet minimum)	25	35
	Public Water Only	43,560					
	Individual Water & Sewer	43,560					
R-3	.....	5,000	20	-----	12	25	35
B-1	.....	-----	-----	-----	12 (3)	25	60
B-2	.....	-----	-----	-----	12 (3)	25	60
B-3	.....	-----	15	100	12 (3)	25	36
B-4	.....	-----	-----	-----	-----	-----	-----
M-1	.....	-----	15	-----	15	15	36
MH-1	.....	-----	30	300	20	20	-----

NOTES (1) Measured in square feet.

(2) Measured in linear feet.

(3) Applicable when abutting residential zoning.

This table is a summary not an all inclusive table. See text for special circumstances like corner lots, accessory buildings, etc.



TABLE 2: DEVELOPMENT DENSITIES

DISTRICT	USE	CONDITIONS	MIN. LOT [1]	DENSITY [2]
R-1	Single-Family Detached	Public Water & Sewer	10,000	4.4
		Public Water Only	43,560	1.0
		Individual Water & Sewer	43,560	1.0
R-2	Single-Family Detached	Public Water & Sewer	10,000	4.4
		Public Water Only	43,560	1.0
		Individual Water & Sewer	43,560	1.0
	Two-Family	Public Water & Sewer	8,500	5.1
	Multi-family (>3) [3]	Public Water & Sewer	10,500	4.1
R-3	Townhome [4]	Public Water & Sewer	5,000	7.0

- NOTES:
- (1) Values measured in square feet.
  - (2) Value equal to the area in one acre divided by the minimum lot area (i.e., units/acre).
  - (3) Example based on a 4 apartment home conversion.
  - (4) Example based on a 1000 square foot townhome footprint.

## **16-2. Expansion or enlargement.**

- 16-2.1. *Compliance required.* A nonconforming structure to be extended or enlarged shall conform with the provisions of this ordinance.
- 16-2.2. *Extension of activity.* A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.
- 16-2.3. *Nonconforming lots.* Any vacant lot of record at the time of the adoption of this ordinance which is less in area or width than the minimum required by this ordinance may be used when the requirements regarding setbacks, side and rear yards, are met.
- 16-2.4. *Public Health.* Nothing in this article shall be deemed to prevent the strengthening or restoration to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## **16-3. Restoration or replacement.**

- 16-3.1 If a nonconforming activity is destroyed or damaged in any manner, to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the requirements of this ordinance.
- 16-3.2. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five (75) percent of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.
- 16-3.3. Where a nonconforming structure, devoted to a nonconforming activity, is damaged less than fifty (50) percent of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five (75) percent of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.
- 16-3.4. The cost of the land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

## **ARTICLE XVII. SPECIAL PROVISIONS**

### **17-1. Certificate of Zoning Compliance.**

- 17-1.1. Buildings or structures shall be started, reconstructed, enlarged, or altered only after a Certificate of Zoning Compliance has been obtained from the administrator.
- 17-1.2. Each application for a Certificate of Zoning Compliance shall be accompanied, when requested by the administrator, by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel or land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this ordinance and the building code, a permit shall be issued to the applicant by the administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.
- 17-1.3. Before a Certificate of Zoning Compliance shall be issued or construction commenced on any permitted use in the district, or a use permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator or the building administrator if no separate zoning administrator has been named, for study. Modifications of the plans may be required.
- 17-1.4. The administrator shall act on any application received within twenty (20) days after receiving the application. 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.

### **17-2. Certificate of occupancy (use permit).**

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

### **17-3. Special Use Permits.**

A special use permit should be approved only if it is permitted as a special use in the district regulations and only if it is found that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this chapter are complied with. In approving a special use permit the Town Council may impose such reasonable conditions as it believes necessary to accomplish the intent of this chapter. Unless otherwise specified in this Chapter or specified as a condition of approval the height limits, yard

spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed use is located.

In determining the conditions to be imposed, the Town Council shall take into consideration the intent of this ordinance and may impose reasonable conditions that:

- (1) Abate or restrict noise, smoke, dust, or other elements that may affect surrounding property;
- (2) Establish setback, side, and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (3) Provide for adequate parking and ingress and egress to public streets or roads;
- (4) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property;
- (5) Tend to prevent such use from changing the character and established pattern of development of the community.

Special use permits may be revoked by the Administrator, if the conditions of such permit are not fulfilled, and nothing contained in this article shall be construed to compel the governing body to issue a special use permit.

#### **17-4. Uses not provided for.**

If in any district established under this ordinance, a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the Town Council within thirty (30) days.

#### **17-5. Widening of highways and streets.**

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

#### **17-6 Procedures for Proffering Conditions to Zoning District Regulations.**

- 17-6.1. *Intent.* The intent of this section is to provide (pursuant to Sections 15.1-491.1 through 15.1-491.6 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.
- 17-6.2 *Proffer of Conditions.* An owner may voluntarily proffer in writing 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:

- (a) the rezoning itself must give rise to the need for the conditions;
- (b) the conditions proffered shall have a reasonable relation to the rezoning;
- (c) the conditions proffered shall not include a cash contribution to the Town;
- (d) 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 Subsection A(f) of §15.1-466 Code of Virginia;
- (e) the conditions shall not include payment for or construction of off-site improvements except those under Subsection A(j) of §15.1-466 Code of Virginia;
- (f) no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (g) all such conditions shall be in conformity with the Dublin Town Comprehensive Plan.

17-6.3 *Effect of Proffered Conditions Upon Acceptance.* Once proffered and accepted as part of an amendment to the Zoning Ordinance, 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 implementation of a new or substantially revised zoning ordinance.



## ARTICLE XVIII: OFF STREET PARKING

### 18-1. Minimum off-street parking.

18-1.1. There shall be provided at the time of erection of any main building, or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard-sized automobiles, as follows:

- (1) In all residential districts there shall be provided, either in a private garage or on the lot, space for the parking of one (1) automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- (2) Tourist homes and motels shall provide on the lot, parking space for one (1) automobile for each room accommodation.
- (3) For church and school auditoriums, theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.
- (4) For hospitals, at least one (1) parking space for each two (2) bed's capacity, including infants' cribs and children's beds.
- (5) For medical and dental clinics, at least five (5) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
- (6) For tourist courts, apartments and apartment motels, at least one (1) parking space for each individual sleeping or living unit. For hotels and apartment hotels at least one (1) parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms for over twenty (20).
- (7) For mortuaries, at least thirty (30) parking spaces.
- (8) For liquor stores, at least ten (10) parking spaces.
- (9) For retail stores selling direct to the public, one (1) parking space for each two hundred (200) square feet of retail floor space in the building.

18-1.2. Any other commercial building not listed above, hereafter erected, converted, or structurally altered shall provide one (1) parking space for each one hundred sixty-five (165) square feet of business floor space in the building. Any establishment hereafter erected that serves meals, lunches, or drinks to patrons, either in their cars or in the building, shall provide one (1) parking space for each one hundred (100) square feet of business floor space in the building; provided there shall be at least one (1) parking space for each serving unit. For dance halls and recreational areas, one (1) parking space for each one hundred (100) square feet of floor area.

18-1.3. Two (2) or more establishments may provide necessary parking space on a single parcel of land. Provisions of 18-2.2 in reference to public parking shall be considered.

18-3.4. Alternative parking designs not described shall comply with best engineering practices to provide adequate space for vehicle parking maneuvers and passenger ingress and exit. Such designs will conform with the intent of this section.

18-3.5. The travel way must be at least 20 feet wide for two-way traffic aisles or equivalent to the maneuvering zone for one-way traffic aisles. A variation in width may be required if deemed necessary by the administrator.

18-3.6. Access for fire vehicles and emergency apparatus must be considered in the development of internal streets, parking lot design, and placement of fire lanes.

18-3.7. At a minimum the handicapped parking shall be designed and located to meet the standards of the Virginia Uniform Statewide Building Code.

#### **18-4. Loading Spaces.**

To enhance public safety by facilitating safe ingress, egress, and provide for adequate parking facilities. Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.

18-4.1. The following uses shall be required to have at least one off-street loading space:

- (1) Commercial or Industrial buildings or structures that have more than 2,500 square feet of gross floor area;

18-4.2. Loading spaces shall meet the following requirements:

- (1) The minimum dimensions for a loading space are a width of 12 feet and a length of 35 feet and a vertical clearance of 15 feet.
- (2) The required off-street loading space is not a part of the area used to satisfy the off-street parking requirement. Variances to this provision may be granted by the administrator pending an adequate demonstration that public health and safety objectives are achieved.
- (3) The required off-street loading space shall be so located that a vehicle using such loading space does not project into any public or internal street.

#### **18-5. Maintenance.**

Required parking space shall be maintained in connection with the buildings which they are to serve and in the manner indicated by the minimum requirements of off-street parking and space regulations. Substitution of equivalent spaces in conformity with the off-street parking regulations may be allowed by the board of appeals.

TABLE 3: MINIMUM PARKING AREA DIMENSIONS

Type of Parking	Aisle	Dimension of Space	Minimum Maneuvering Zone Width
90° Parking	1 way	9' x 18'	20'
90° Parking	2 way	9' x 18'	24'
60° Parking	1 way	9' x 18'	18'
60° Parking	2 way	9' x 18'	24'
45° Parking	1 way	9' x 18'	14'
45° Parking	2 way	9' x 18'	24'
0° Parking	1 way	8' x 22'	12'
0° Parking	2 way	8' x 22'	24'

**18-2. Location of parking space as required in the foregoing.**

- 18-2.1. Shall be on the same lot with the main building, or in the case of buildings other than dwellings, spaces may be located as far away as five hundred (500) feet measured along the common route of travel between lots.
- 18-2.2. In determining the parking spaces and in meeting the required parking spaces in the above section, the administrator shall take into consideration the availability of public or private parking facilities within the reasonable distance of said use and in the event there is available parking space, then the requirements of the above section shall be reduced on a pro-rata basis to the equivalent number of spaces available to the use in either the public or private parking spaces, or both.

**18-3. Construction standard.**

- 18-3.1. Every parcel of land hereafter used as a public parking area shall be surfaced with crushed rock, gravel, asphalt, or concrete and maintained in a dust free condition. It shall have appropriate markings, bumper guards, and other safeguards where needed, as determined by the administrator.
- 18-3.2. Parking lots and internal streets shall be constructed according to best engineering practices which reflect adequate sub-base, base, and surface to handle projected traffic loads.
- 18-3.3. The minimum dimensions applicable to maneuvering zones and parking spaces in off-street parking areas are described in Table 3.

NOTE: All changes of 10-17-2002 are shown in "green".

## ARTICLE XIX. SIGNS

### 19-1. Intent.

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

### 19-2. General Requirements.

- 19.2-1. Except as provided below, no outdoor advertising, sign, or sign structure shall be installed without issuance of a Certificate of Zoning Compliance prior to such installation. Application for Certificate of Zoning Compliance shall proceed in accordance with the procedures specified herein. 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;
- 19.2.2. In fulfillment of the site plan requirements all applications for a Certificate of 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;
- 19.2.3. Applications for a Certificate of Zoning Compliance shall be reviewed and decided as any other zoning application, with the following specific provisions:
  - (1) The Town of Dublin Building Inspector shall review and approve all sign plans and specifications prior to issuance of the Certificate of Zoning Compliance;
  - (2) 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;
  - (3) The application shall be reviewed and the sign plans and specifications approved by the Town Building Official prior to the issuance of the Certificate of Zoning Compliance.



### **19-3. Signs that do not require a permit.**

19-3.1. The following signs shall be allowed in all districts, and shall be exempt from permit requirements:

- (1) Real estate signs advertising sale, rental, or lease of land or building(s), provided that **they** are less than four (4) square feet in size. All such signs shall be removed within ten (10) days following transfer of title to the property advertised;
- (2) Directional signs in residential districts for parks and playgrounds and other permitted nonresidential uses, provided that such signs shall not exceed four (4) square feet in area;
- (3) Professional name plate, which shall be no more than one (1) square foot in area and of which not more than one (1) shall be permitted per lot, indicating the name of the professional, the business, or service provided on the premises;
- (4) One on premise sign, not exceeding thirty (30) square feet in area, indicating the name of an institution or civic association on premises of such facility;
- (5) Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other similar materials;
- (6) 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;
- (7) On-premise signs, not to exceed four (4) square feet each, displayed for direction or convenience of the public, such as those indicating restrooms, telephones, public entrances, freight entrances, and the like;
- (8) 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;
- (9) Political signs, not to exceed four (4) square feet in area, provided that such signs:
  - (a) Shall not be allowed longer than sixty days; and
  - (b) Shall be removed by sign owner within five (5) days after the date of the election or event to which the sign makes reference, or if the owner fails to do so, by the Zoning Administrator at the owner's



expense, five (5) days following registered notification of the owner.

(10) Paper temporary signs in show windows, not to exceed thirty-two (32) square feet;

(11) Yard sale and garage sales signs, provided that:

- (a) Such signs shall not be displayed for more than three (3) consecutive days;
- (b) Such signs shall not be attached to government or utility poles or trees in the public right-of way, ; and
- (c) The property owner's permission to display such signs is obtained.

(d) Each yard sale sign shall be signed by or have the name of the person placing the sign and phone number.

#### **19-4. Signs prohibited in all districts.**

19-4.1. The following signs are prohibited in all districts:

- (1) Any sign erected or painted upon a fence, tree, fire escape, or utility pole;
- (2) Any sign which uses the word "Stop" or "Danger" prominently displayed or which is a copy or imitation of official traffic control signs;
- (3) Any sign which contains flashing or intermittent illumination;
- (4) 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;
- (5) Any sign which is mobile or portable, as defined;
- (6) Any sign which is designed to and/or 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.
- (7) Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard;
- (8) Any sign which obstructs any door opening or window used as a means of ingress or egress;
- (9) Any sign which violates any provision of federal or state law relating to outdoor advertising;

- (10) Any sign which advertises a business that is no longer in operation at the site in question.

#### **19-5. Signs Requiring Special Exception Approval.**

The following signs shall require approval and permit issuance as Special Exceptions under the provisions of this Ordinance. 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) Electronic changeable copy signs;
- (2) Signs attached to or using balloons as a primary sign element.

#### **19-6. Non-Conforming Signs.**

All non-conforming signs in place at the time of adoption of this Ordinance:

19-6.1 Shall not be increased, enlarged upon, expanded, or extended;

**19-6.2.** Shall not be repaired and shall be removed after damage to over fifty (50) percent of the value of the sign and any supporting framework

19-6.3. Shall not be resumed for use after a discontinuance six (6) months; after a period of six (6) months it shall be removed.

19-6.4. Shall be removed under the following conditions:

- (1) Where a sign has been damaged such that fifty (50) percent or more of the value of the sign or structure has been destroyed; or
- (2) 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 or disrepair that the original message is no longer effective for a continuous period of six (6) months; or
- (3) The face is not used for its intended purpose for a continuous period of six (6) months; or
- (4) 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.

## 19-7 Sign standards generally.

19-7.1. Manual changeable copy signs shall be allowed as freestanding signs, as part of freestanding signs, or as wall signs, if:

- (1) They are encased or at a height such as not to be accessible to vandals, and
- (2) They are securely and permanently anchored to the ground or the structure.

19-7.2. Signs may be self-illuminating or illuminated from an exterior light so long as sign lighting is positioned and shielded so as not to impair the vision of any motor vehicle operator or cause any direct glare into or upon any property other than the property to which the sign may be accessory. Reference to VDOT regulations is specifically made herein.

19-7.3. Calculation of Allowable Sign Area.

- (1) For purposes of this Article, sign area shall be measured so as to include the entire area within a continuous perimeter enclosing the extreme limits of each word, symbol, numeral, group of symbols or group of numerals where the symbols or numerals are meant to be read as a unit, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area.

The maximum size of a free standing sign shall not exceed the allowable size for the District and as measured per 19-7.3.(1). No other building-mounted signs nor projection signs shall be allowed if a free standing sign is erected.

- (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.
- (3) Only those signs that require a permit shall be considered in calculating allowable area of a sign.
- (4) Distribution of Signage: where more than one business activity is located within a single building on an individual lot or group of buildings on a single site, the maximum allowed copy area is to be divided and distributed by the owner or manager among the several business activities within the building.



(a) Only one free-standing sign shall be allowed on the total site.

(b) All tenants shall locate their respective signs on a common marque-type sign.

(c) Marque-type signs shall not exceed a total of ninety-six (96) square feet in area.

(d) Individual businesses (tenants) can further identify an individual business by up to sixteen square feet of signage located strategically on the business front.

- (5) 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.

19-7.4. Height of the sign is measured from elevation of road grade at the nearest point on the fronting road, to the top of the sign.

**19-7.5. Sign Allowance.** Table 4 shows the types of sign use, frontage requirements, maximum copy area, height and location for signs allowed in the Town of Dublin.

**19-8. Sign standards—specific.**

**19-8.1. Freestanding signs.**

- (1) Only one freestanding sign per lot or development shall be allowed.
- (2) No part of the freestanding sign shall be extended beyond the required sign setback.

**19-8.2 Wall Signs, Suspended Signs, Roof Signs, and Projecting Signs.**

**(1) Degree of Projection.**

- (a) In the B-2 district, for any lot in which a building directly abuts the sidewalk at the front lot line, no wall, suspended, or projection sign shall extend more than two-thirds (2/3) the width of the sidewalk. For all other lots in the B-2 district subsection 2 below shall apply.
- (b) In all districts except the B-2 district, no wall suspended, or projecting sign shall extend more than eighteen (18) inches from the building to which is attached, except for canopy signs, which

may project no more than three (3) inches beyond the edge of the canopy.

- (c) 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.
- (d) 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.

#### 19-8.3. Menu Boards.

- (1) Menu Board signs shall be allowed only with drive-in establishments.
- (2) The face of the menu board sign shall be directed away from any adjacent residential properties.
- (3) 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.

#### 19-8.4. Changeable Message Boards.

### **19-9. Maintenance and Removal of Signs.**

19-9.1. All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Virginia Statewide Building Code;

19-9.2. Signs which are no longer functional, or are abandoned, shall be repaired, removed, or relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction or abandonment.

**William H. Parker**

From: "Warren J Bain" <jbain@psknet.com>  
 To: <whparker@dublinfo.org>  
 Sent: Monday, August 16, 2004 7:57 AM  
 Subject: AMENDED Sign Allowable Square Footage

**TOWN OF DUBLIN, VA, ZONING ORDINANCE****TABLE 4: (Amended 10/2003) Allowable Sign Area in Square Feet AND Height by Zoning District**

<b>Sign Type</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>B-4</b>	<b>M-1</b>	<b>MH-1</b>
Business										
Marque <sup>1</sup>					96	96	96			
Building Mounted for Multiple Businesses					16/Business	16/Business	16/Business			
Individual Free-Standing <sup>2</sup>					48	48	48		64	
Building Mounted <sup>3</sup>					32	32	32		64	
Church	32	32	32	32	32	32	32			
Directional	8	8	8	8	8	8	8	8	16	8
General Advertising					48	48				
Home Occupation	8	8	8	8	8	8	8	8	8	8
Real Estate	8	8	8	8	16	16	16	16	16	8
Temporary	6	6	6	6	6	6	6	6	6	6
Portable										

Maximum Total Sign Area      40      40      40      40      40      See Below      See Below      See Below      See Below

- (1) Business Marque      Total 96 Sq. Feet, regardless of the number of businesses on the site, maximum height 18 feet  
 (2) Individual Free-Standing      Maximum of 48 Square Feet, maximum height of 18 feet.  
 (3) Building Mounted Signage Maximum of 32 Square Feet

Maximum Total Sign Area (In Square Feet)



Multiple Businesses, One Site  
Single Business per Site

96 + 16/Unit 96 + 16/Unit 96 + 16/Unit 96 + 16/Unit  
80 80 80 80 128

**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE XX: SATELLITE DISH ANTENNAS**

### **20-1. Purpose.**

Because of their size and shape, satellite dish antennas have the capacity to be obtrusive. The intent of this section is to promote compatibility between land uses and to maintain the character and appearance of the various neighborhoods through the regulation of satellite dish antennas greater than **two (2)** feet in diameter.

### **20-2. Satellite dish antennas as accessory structures.**

20-2.1. Siting of satellite dish antennas **less than two (2)** feet in diameter may be permitted in any district subject to the following criteria:

- (1) All installations must comply with all accessory use, yard, and height requirements specified within the district.
- (2) Deleted (11-26-2001) and 10-17-2002 by Town Council
- (3) Deleted (11-26-2001) and 10-17-2002 by Town Council
- (4) Deleted (11-26-2001) and 10-17-2002 by Town Council
- (5) Deleted (11-26-2001) and 10-17-2002 by Town Council

20-2.2. Roof-mounted satellite dish antennas **in excess of two (2)** feet in diameter may be permitted by Special Use Permit subject to the site criteria and the following:

- (1) Demonstration by the applicant that compliance with the accessory use, yard, and height restrictions would result in the obstruction of the antennas' reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
- (2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.

### **20-3. Satellite dish antennas as primary structures.**

20-3.1 In **B-1, B-2 and M-1** districts, ground-mounted satellite dish antennas greater than **two (2)** feet in diameter as the primary structure on the lot may be permitted by Special Use Permit. In addition to any conditions deemed appropriate by the Town Council, the following criteria must be met:

- (1) Deleted (11-26-2001) and 10-17-2002 by Town Council
- (2) All installations shall comply with the maximum height restrictions imposed on primary uses.
- (3) Deleted (11-26-2001) and 10-17-2002 by Town Council

## ARTICLE XXI: LANDSCAPING

### 21-1. Purpose.

To enhance the visual character of the Town by providing buffers and screens against noise, air, and light pollution, and between incompatible land uses. Reduce flooding and storm water runoff. Enhance public safety by defining traffic movement.

### 21-2. General Landscaping Standards.

21-2.1. A landscaping plan shall be submitted as a part of the preliminary site plan. The plan shall be:

- (1) Drawn to scale;
- (2) Include dimensions and distances;
- (3) Clearly delineate existing and proposed paved areas, structures, and fences;
- (4) Include the location and description of all landscaping materials.
- (5) Such plan shall be based upon accepted professional design layout and principles as may be required for the site.

21-2.2. Preservation of existing trees is encouraged to provide continuity, improve buffering ability, pleasing scale, and image.

21-2.3. Required landscaped area:

- (1) The entire development site shall be landscaped.
- (2) No more than fifty percent of the required landscaped area will be landscaped in grass alone.
- (3) Landscaping within the sight triangle of an intersection with a publicly maintained road shall be planned and maintained such that it does not restrict or interfere with motorists' vision.

### 21-3. Screening.

21-3.1. All trash dumpsters shall be screened from the view of adjoining streets and properties.

21-3.2. Loading docks shall be screened from the view of adjoining streets and properties.

21-3.3. Screening shall be continuous and in place at the time of occupancy.

21-3.4. Screening shall be of sufficient density and diversity to achieve the intent of this section.

21-3.5. Screening shall be compatible with existing land use and the character of development in the area.

**21-4. Maintenance**

21-4.1. The owner, or his agent, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required.

21-4.2. All plant materials shall be tended and maintained in a healthy growing condition and free from refuse and debris at all times. All unhealthy, dying, or dead plant materials shall be replaced with healthy materials no later than the next planting season.

**21-5. Exceptions.**

Properties in the B-2 district are exempt from the landscaping requirement except screening as described above and to provide separation from residential uses.

**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE XXII: LIGHTING STANDARDS**

### **22-1 Purpose.**

The purposed of this section is to enhance public safety by improving nighttime driving and pedestrian conditions. Maintain the Town's visual character and reduce negative impacts on adjacent land uses.

### **22-2 Standards.**

22-2.1 A lighting plan shall be a mandatory component of preliminary and final site plans for developments proposing to include lighting.

22-2.2 Luminaires shall be arranged and installed to minimize glare on adjacent properties. Light sources shall be shielded to achieve this effect.

22-2.3 Luminaires in a commercial district shall not exceed thirty (30) feet in height above ground.

22-2.4 Luminaries in a residential district shall not exceed fifteen (15) feet in height above the ground.

22-2.5 No flashing or flickering lights are allowed.

22-2.6 (Add New Section) Light pollution that can impact on the Wysor Observatory will be coordinated with the Observatory to minimize that impact.

22-2.7 (Add New Section) Must be considered by Virginia Department of Transportation for all lighting and lighted signs. Reference is hereby made to Code of Virginia, Title 33.1 and Title 46.2.

### **22-3 Luminaire maintenance.**

22-3.1 Luminaires are to be erected as indicated in the final site plan and maintained in good repair and safe condition.

22-3.2 The owner, or his agent, shall be responsible for the prompt maintenance, repair, and replacement of luminaries.

### **22-4 Exceptions.**

Outdoor public recreation facilities are not constrained by the height restrictions, but must continue to comply with the ordinance's intent. Special consideration shall be given or restrictions imposed to any lighting under this section that would negatively impact the Wysor Observatory.



**NOTE: All changes of 10-17-2002 are shown in "green".**

## **ARTICLE XIII. SITE PLAN REVIEW**

### **23-1. Site plan review required for certain uses.**

For the purposes of assuring careful use of difficult topography and good arrangement, appearance, function, and harmony with surroundings and adjacent uses and the objectives of the Comprehensive Plan, and compliance with the requirements of these regulations, sites plans for the following uses shall be submitted and reviewed in accordance with the requirements and procedures of this article:

- (1) Uses permitted by approval of a conditional use permit.
- (2) Planned housing developments.
- (3) ~~(Deleted) Mobile home parks or subdivisions.~~
- (4) Any other use except detached single-family dwellings.
- (5) Any parking lot or parking facility which is to contain more than 10 parking spaces.

Unless specifically stated to the contrary, a use noted as subject to site plan review shall be subject to administrative site plan review under the provisions of this Article. Where a subdivision is also involved, the review of the subdivision plans and site plans will be coordinated under the provisions of this Article and the requirements of the subdivision regulations.

### **23-2. Purpose of site plan review.**

23-2.1. The purpose of site plan review is to promote the orderly development of the Town by means of improved project design which will insure that new development is appropriately functional, harmonious with its environment and consistent with the Comprehensive Plan and the intent of these regulations generally, and to this end to provide for a review of proposed development plans with respect to:

- (1) The compatibility of the development with respect to its environment and the layout and design of features which may affect compatibility, such as building location, project open space, grading and treatment of slopes, screening, lighting and landscaping.
- (2) The capacity of the design to provide for convenient and safe internal and external movement of vehicles and pedestrians.
- (3) The protection of public safety and the location and adequacy of necessary utilities, drainage, and erosion and sediment controls.



### **23-3 Requirements for site plans, content and form.**

23-3.1 The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

- (1) The proposed title of the project, owner or owners of the land, and the name of the **Virginia licensed or certified** engineer, architect, designer, or landscape architect and the developer.
- (2) The north arrow, scale and date.
- (3) Location of the project by an insert map at a scale of not less than one inch equals two thousand (2,000) feet, indicating the scale, the north arrow, and such information as the names and numbers of adjoining roads, railroads, subdivisions, or other landmarks sufficient to clearly identify the location of the property.
- (4) Existing zoning district boundaries and proposed changes in zoning, if any.
- (5) The boundaries of the property involved, municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, major tree masses and other existing physical features in or adjoining the project.
- (6) Uses of adjoining properties and names of owners.
- (7) Topography of the project area with contour intervals of two feet or less, unless waved by the Administrator as clearly unnecessary to review of the project or proposal.
- (8) The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.
- (9) The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas, (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.
- (10) The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, public facilities and open spaces.
- (11) Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height of all

proposed building and structures, accessory and main, or major elevations.

- (12) Preliminary plans and elevations of the several dwelling types and other buildings as may be necessary.
- (13) General location, height, and material of all fences, walls, screen planting, and landscaping.
- (14) General location, character, size, height and orientation of proposed signs.
- (15) A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre.

**23-3.1** The Administrator may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets; if this is done, match lines shall indicate where the several sheets join. Each plan sheet shall reserve a blank space three inches wide and five inches high for the use of the Administrator. Site plans shall be prepared to a scale of one inch equals fifty feet, or such other scale as may be approved by the Administrator as appropriate to a particular case.

The final site plan or final plat shall comply with all laws, regulations and ordinance governing the approval of subdivisions and in addition shall show the following:

- (1) All the features required on the preliminary site plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.
- (2) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the utility system.
- (3) Provisions for the adequate disposition of natural and storm water in accordance with duly adopted design criteria and standards of the Town, indicating the location, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system, and provision for the adequate control of erosion and sedimentary, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.
- (4) Existing topography with two-foot contour intervals or such intervals as approved by the Administrator. Where existing ground is on a slope of less than two percent, either one-foot contours or spot

elevations where necessary, but not more than fifty feet apart in both directions.

- (5) Proposed finished grading by contours supplemented where necessary by spot elevations.

### **23-3. Procedures, administrative site plan review.**

- 23-4.1** When these regulations require site plan review for certain uses for which Town Council action is not required, ten (10) copies of preliminary site plan for any of the specified uses shall be submitted to the Administrator for review of the plans for compliance with these regulations and the requirements for preliminary site plans. The Administrator may require the applicant to transmit said plans to such agencies as he may consider necessary for the review.

The applicant is advised to review his plans in general or sketch form with the Administrator prior to drafting for submittal.

- 23-4.2.** Administrator shall examine the proposed site plan with respect to the requirements of this chapter and the intent of this ordinance and objectives of the Comprehensive Plan. The plans shall be returned to the applicant within 10 days following the submittal, or within 10 days of a recommendation by the Town Council or Planning Commission as set forth in 23-4.4. below. Unless otherwise specified, approval shall be valid for a period of one year prior to issuance of Certificate of Zoning Compliance.

- 23-4.3** If specified conditions are met in revised plans, the Administrator may approve issuance of Certificate of Zoning Compliance accordingly, and may approve additional minor changes, if, in the opinion of the Administrator such changes do not substantially affect the original approval or conditions attached thereto.

- 23-4.4** If any case where the Administrator is of the opinion that a proposed project subject to administrative site plan review is of such scale and impact that a decision on the site plan should be reached only after a review by the Town Council or the Planning Commission, he may forward the plan to the Council or the Commission or both of them for an advisory recommendation.

- 23-4.5.** Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this article or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.



### **23-5. Appeal from Administrator's decision.**

In any case where the applicant or other party who has a substantial interest in a proposed project is aggrieved by a decision of the Administrator regarding a site plan, said applicant or party in interest may file a written Notice of Appeal with the Town Manager who shall place the matter on the agenda of the next regular meeting of the Town Council provided said appeal is filed within ten (10) working days of the decision. Upon hearing the appeal, the Town Council may reverse or affirm, wholly or in part, or may modify the decision of the Administrator and may take such action as it believes appropriate.

### **23-6. Procedures for approval of site plans for special use permits.**

**Ten (10)** copies of a preliminary site plan shall be filed with the Town Council through the Administrator. The preliminary site plan shall comply with the requirements of 23-3. above and be accompanied by such other written or graphic material as may be necessary or desirable in aiding the decisions of Council. At its option, the Town Council may refer the application to the Planning Commission for an advisory recommendation.

Approval by the Town Council of a preliminary site plan for a special use permit shall be valid for a period of one year. Following preliminary approval by the Council, a final site plan in the form of a final plat shall be prepared and filed. This final plat may be approved by the Administrator and shall comply with the specifications of the Council and the requirements of this Article and applicable laws, regulations, and ordinances governing the subdivision of land. Permits shall be issued in accord with the approved and filed plat.

### **23-7. Amendments and additions to site plans.**

The procedure for amendment of the boundaries of or extent of land use for an approved conditional use permit shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved conditional use permit, or other site plan approved by the Town Council, may be approved by the Administrator, provided such change or amendment:

- (1) Does not alter a recorded plat;
- (2) Does not conflict with the specific requirements of this chapter;
- (3) Does not change the general character or content of an approved development plan or use,
- (4) Has no appreciable effect on adjoining or surrounding property;
- (5) Does not result in any substantial change of major external access points;
- (6) Does not increase the approved number of dwelling units or height of buildings, and

- (7) Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

**23-8. Revocation of permits.**

No permit shall be issued for any structure in any area covered by a site plan that is required under the provision of this Article except in conformity to such plan which has been duly approved. Permits issued under an approved site plan may be revoked by the Administrator for failure to comply with the approved plan, the conditions attached thereto, or other applicable regulations.

**23-9. Agreement and bond.**

Prior to approval of a building permit there shall be executed by the owner or developer, and agreement to construct such required physical improvements as are located within public rights-of-ways or easements, or as are connected to any public facility in form and substance as approved by the Town; and the Administrator may require a bond with surety or condition acceptable to the Town Attorney in the amount of the estimated cost of the required physical improvements. The aforesaid agreement, bond, or conditions shall be provided for completion of all work covered thereby, maintenance thereof or for subsequent defects therein, within the time to be determined by the Administrator, which time may be extended by the Administrator upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions, and acceptability of any bond hereunder shall be determined by the Town Attorney.

**23-10. Approval and extension.**

Approval of a site plan submitted under the provision of this Article shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Administrator made within ninety days before the expiration of the approved site plan. The Administrator shall acknowledge receipt and make a decision regarding the request within thirty days after receipt of the request.

**23-11. Right of developer to continue project.**

Subject to the time limits and conditions specified in this Article, the rights of an owner or developer to continue a project for which a site plan has been approved shall not be abridged so long as he proceeds toward completion with reasonable care and diligence and in accordance with the term of the approval.

#### **23-12. Inspection and supervision of improvements.**

The owner or developer shall have one set of approved plans, profiles and specifications available at the site at all times when work is being performed. A designated, responsible employee shall be available for contact by Administrator or inspectors.

Upon satisfactory completion of all installation of the required improvements, the owner shall receive an approval from the Administrator, upon application for such approval. Such approval will authorize the release of any bond which may have been furnished for the guarantee or satisfactory installation of such improvements or parts thereof. Inspection is to be made within a reasonable time of the request, and the bond released as quickly as circumstances will permit.

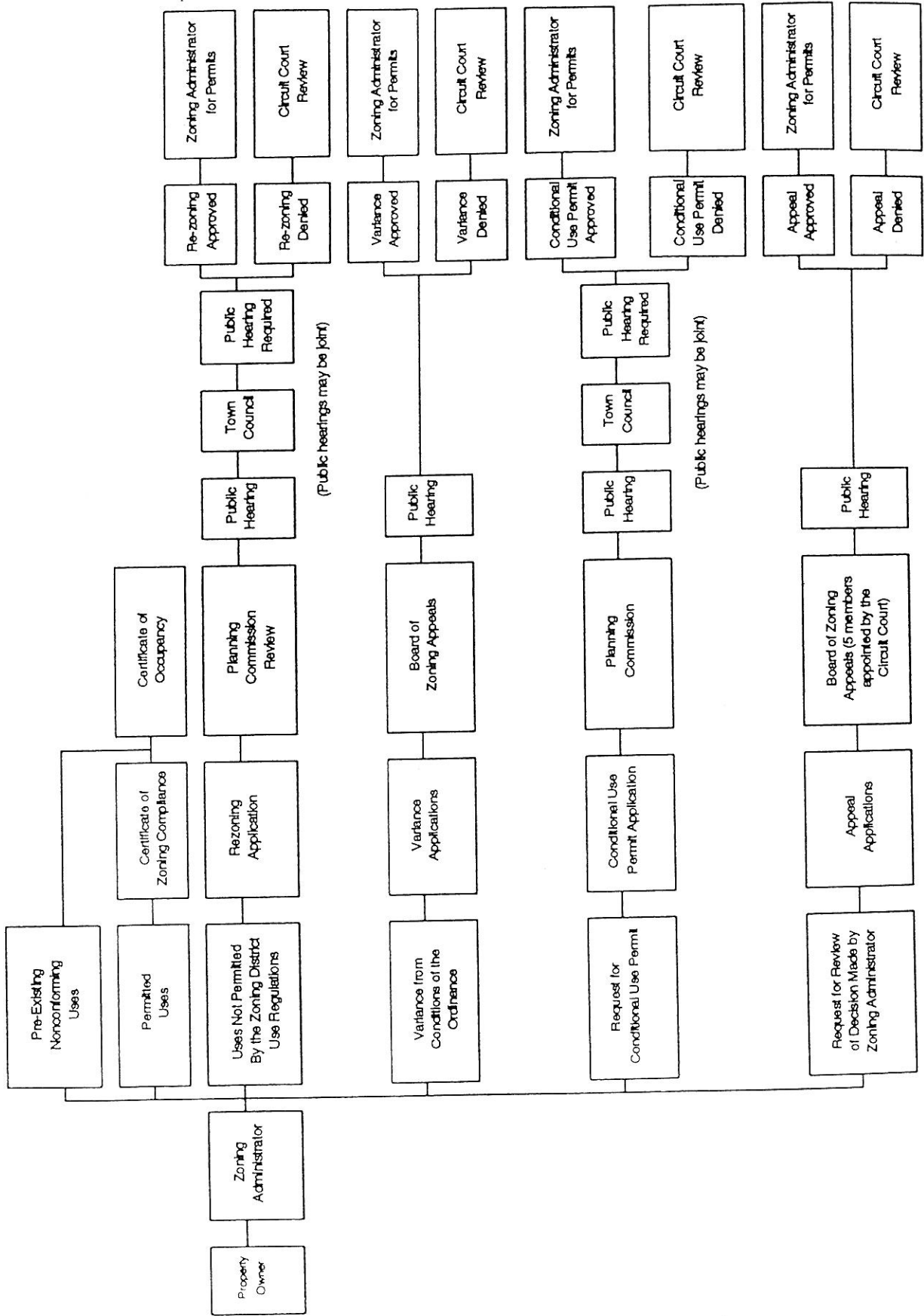
The installation of improvements as required in this Article shall in no case serve to bind the Town to accept such improvements for the maintenance, repair, or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

#### **23-13. (New Section) Reference to Commonwealth of Virginia Soil and Erosion Control Code.**

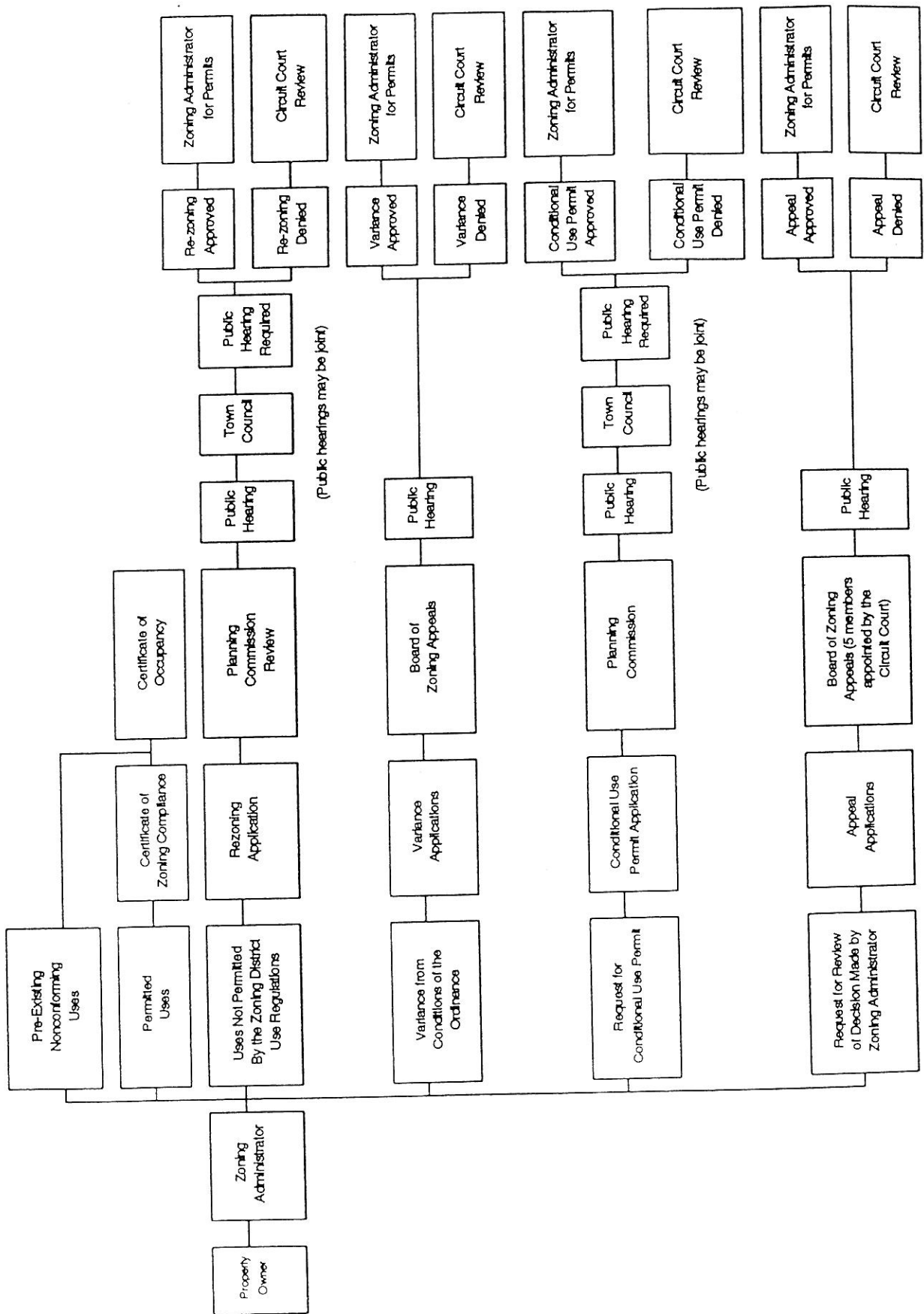
**Reference is hereby made to the Commonwealth of Virginia Soil and Erosion Control Code and all soil disturbing activities shall conform to that Code.**



# REVIEW PROCESS



# REVIEW PROCESS



- 24-5.2. Notice of appeals shall be accompanied by cash or a check for fifteen dollars (\$15.00) payable to the treasurer of the town, to cover costs of the proceedings, including legal advertisement.

**24-6. Public hearing.**

The board shall fix a reasonable time for hearing an appeal, give public notice thereof as well as due notice of the parties in interest and decide the same within sixty (60) days. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from. The concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions, including its decision which shall be filed in the office of the board and shall be a public record. Copies of all decisions shall be made available immediately to the applicant and zoning administrator by the clerk of the board upon its filing.

**24-7. Decision of board of zoning appeals.**

- 24-7.1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, or board of the town, may appeal said decision to the circuit court of Pulaski County by filing with the clerk of said court a petition specifying the grounds on which he believes he is aggrieved within thirty (30) days after the filing of the decision of the appeals board.
- 24-7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- 24-7.3. The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- 24-7.4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper deposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly, or may modify the decision brought up for review.
- 24-7.5. Cost shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

## **ARTICLE XXIV. PROVISION FOR APPEAL**

### **24-1. The board of zoning appeals.**

- 24-1.1. This board consisting of five (5) members, who are residents of the Town of Dublin, shall be appointed by the judge of the circuit court of Pulaski County, Virginia. The board shall serve without pay other than for travelling expenses. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- 24-1.2. The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. In any case, a member shall serve until a successor is appointed and qualifies.
- 24-1.3. Members may be removed for cause by the appointing authority upon written charges and after a public hearing.
- 24-1.4. Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- 24-1.5. The board shall choose annually from its own membership its chairman and vice-chairman who shall act in the absence of the chairman.

### **24-2. Powers of the board of zoning appeals.**

- 24-2.1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance and amendments thereto.
- 24-2.2. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.

No such variance shall be authorized by the board unless it finds: (a) That the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

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

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

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

#### **24-3. Rules and regulations.**

24-3.1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.

24-3.2. The meeting of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine.

24-3.3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses by issuing subpoenas.

24-3.4. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

24-3.5. A quorum shall be at least three (3) members.

24-3.6. A favorable vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass.

#### **24-4. Appeal to the board of zoning appeals.**

An appeal to the board may be taken by any person aggrieved or by any officer, department, [or] board of the town affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the secretary of 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. 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 reasonable notice to the zoning administrator and for good cause shown.

#### **24-5. Appeal procedure.**

24-5.1. Notice of appeals shall be mailed or delivered to the board of zoning appeals and the zoning administrator.



## **ARTICLE XXV. VIOLATION AND PENALTY**

### **25-1. Permits; licenses.**

All departments, officials, and public employees of the town which are vested with the duty or authority to issue permits and licenses shall conform to the provisions of this ordinance. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this ordinance. Any such permit, if issued in conflict with the provisions of this ordinance or other ordinances of the town shall be null and void.

### **25-2. Penalty.**

Any person, firm or corporation whether as principal, agent, employed or otherwise, violating, causing, or permitting the violation of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, a fine may be imposed of not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250.00). 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 violation of this ordinance is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as herein provided. In addition, the town may seek an injunction from the circuit court of Pulaski County, Virginia, to enforce the provisions of this ordinance.

## ARTICLE XXVI. AMENDMENTS

### 26-1. Generally.

The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by majority of votes of the governing body. Any such amendment may be initiated by resolution of the governing body, or by motion of the local planning commission; or by petition of any property owner addressed to the governing body; provided:

- 26-1.1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard either for or against said ordinance.
- 26-1.2. Notice shall be given of the time and place of such hearing by publication in at least two (2) weekly issues of some newspaper having general circulation in the town. The public hearing shall be held not less than six (6) days nor more than twenty (20) days after final publication of the notice of hearing.
- 26-1.3. Changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for its recommendations. The planning commission shall hold at least one (1) public hearing on proposed ordinances or amendments after notice thereof as required by section 15.1-431 of the Code of Virginia of 1950, as amended. Failure of the commission to report ninety (90) days after the meeting of the commission after the proposed ordinance or amendment has been referred to them, shall be deemed approval. The governing body shall hold at least one (1) public hearing on proposed ordinances or amendments thereto, pursuant to public notice as required by the aforementioned section of the state code. After which the governing body may make appropriate changes or corrections in the ordinance or proposed amendments; providing, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing and required notice as above.
- 26-1.4. The planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If such joint hearing is held, then public notice as required by this ordinance need be given only by the Town Council.
- 26-1.5. In any matter not specifically covered in this ordinance, the provisions of the state code shall apply.
- 26-1.6. Petitions by landowners for changes to the zoning map shall be accompanied by the following information:
  1. Proof of ownership.
  2. Tax parcel numbers.
  3. Location, size and shape of the property.
  4. Existing zoning of the property and the adjacent properties.

5. Location and area of all existing land uses in and adjacent to the area included in the petition.
6. Proof of notification of adjacent landowners via registered or certified mail.
7. Any other information prescribed by the Planning Commission or Town Council.

## **ARTICLE XXVII. CERTIFICATION**

### **27-1. Copies filed.**

A certified copy of the foregoing zoning ordinance of the Town of Dublin, Virginia, shall be filed in the office of the zoning administrator, in the town office of the Town of Dublin, Virginia, and in the office of the clerk of the circuit court of Pulaski County, Virginia.

## ARTICLE XXVIII. HOME OCCUPATIONS

This Ordinance uses a permit approach to the control of home occupations. The use of permits is to insure compatibility of home occupations with surrounding residential uses. Custom or traditions are not to be considered as criteria for the evaluation of home occupations. The Administrator may request advice from the Planning Commission as appropriate.

### 28.1 Special Requirements.

Home occupation, where permitted, shall meet the following special requirements:

- 28.1.1 The applicant either shall be the owner of the property on which the home occupation is to be located, or shall be a tenant thereof. If the applicant is a tenant, he shall have written approval of the owner of the property;
- 28.1.2 The home occupation shall be operated only by the members of the family residing on the premises, and no article or service shall be sold or offered for sale except as may be produced by members of the family residing on the premises;
- 28.1.3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;
- 28.1.4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates, as spelled out in Article 19;

Examples of unacceptable applications include machine shops, garages, body shops, delivery services, and the like.

Examples of appropriate occupations include hair stylists, accounting services, insurance sales, and the like.

- 28.1.5 The building in which the home occupation is to be located shall be an existing structure ready for occupancy, and not a proposed structure.
- 28.1.6 The Town Officials, such as the building inspector, police, fire personnel, and others shall have the right and responsibility of inspection prior to the issuance of a home occupation permit.

### 28.2 Expiration.

A Certificate of Zoning Compliance for home occupations shall expire under the following conditions:

- 28.2.1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new permit after proper application;
- 28.2.2 Whenever the holder of such a permit fails to exercise the same for any period of two (2) consecutive years.