

**CODE
OF THE
TOWN OF PORT ROYAL**

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CHARTER

Port Royal, Town of, County of Caroline

History of incorporation

Charter, 1861, c. 100; repealed 1997, c. [591](#).

Current charter

Charter, 1997, c. [591](#).

Amendments to current charter

2017, c. [378](#) (§§ 3.1, 3.2, 3.3)

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation.

The inhabitants of the territory comprised within the present limits of the Town of Port Royal, as such limitations are now, or may hereafter be altered and established by law, shall constitute a body politic and corporate, to be known and designated as the Town of Port Royal ("the Town"), and as such shall have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, and may have a corporate seal which it may alter, renew or amend at its pleasure. (1997, c. [591](#))

§ 1.2. Boundaries.

The boundaries of the Town until altered, are those established in Chapter 100 of the Acts of Assembly of 1861, as amended in Chapter 29 of the Acts of Assembly of 1875, and as recorded in the Caroline County Circuit Court Clerk's office. (1997, c. [591](#))

Chapter 2. Powers.

§ 2.1. General grant of powers.

The Town shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers in this charter shall be held to be exclusive, and the Town shall have, exercise and enjoy all rights, immunities, powers and privileges and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation. (1997, c. [591](#))

§ 2.2. Adoption of powers granted by the Code of Virginia.

The powers granted in § 2.1 of this Charter include specifically, but are not limited to, all powers set forth in the Code of Virginia, 1950, §§ 3.1-837 through 3.1-907, including subsequent amendments thereof. (1997, c. [591](#))

Chapter 3. Governing Body.

§ 3.1. Council.

A. The Town shall be governed by a council composed of seven members elected at large.

B. The members of council in office at the time of the passage of this act shall continue until the expiration of the terms for which they were elected, or until their successors are duly elected and qualified.

C. In 2018 and every two years thereafter, on the dates specified by general law for November elections, all members of the council shall be elected for terms of two years each. The persons so elected shall qualify and take office on January 1 following their election, and they shall continue to serve until their successors are duly elected, qualify and assume office.

D. Any person qualified to vote in town elections shall be eligible for the office of councilman. (1997, c. [591](#); 2017, c. [378](#))

§ 3.2. Mayor.

At its first meeting in January of every odd-numbered year, the council, by majority vote, shall select from its membership one member to serve as mayor. The mayor shall preside at meetings of the council and shall be recognized as head of the Town government for ceremonial purposes and by the governor for the purposes of military law. He shall have the same powers and duties as other members of the council with a vote, but no veto powers. (1997, c. [591](#); 2017, c. [378](#))

§ 3.3. Vice mayor.

At its first meeting in January of every odd-numbered year, the council, by majority vote, shall select from its membership one member to serve as vice mayor. The vice mayor shall preside over meetings of the council in the absence of the mayor. (1997, c. [591](#); 2017, c. [378](#))

§ 3.4. Vacancies.

Vacancies on the council and in the office of mayor and vice mayor shall be filled by a majority vote of the members of council until the vacancy is filled in accordance with the provisions of Title 24.2 of the Code of Virginia. (1997, c. [591](#))

§ 3.5. Meetings of council.

The council shall fix the time of its regular meetings, which shall be at least once each month; however, the council may, by majority vote, dispense with any two such regular meetings. Except as herein provided, the council shall follow the latest edition of Robert's Rules of Order for rules of procedure necessary for the orderly conduct of its business except where it is inconsistent with the laws of the Commonwealth of Virginia. Minutes shall be kept of its official proceedings, and its meetings shall be open to the public unless an executive session is called according to law. Special meetings may be called at any time by the mayor or any four members of the council, provided that the members of council are given reasonable notice of such meetings. No business shall be transacted at the special meeting except that for which it shall be called. If the mayor and all the members of the council are present, this provision requiring prior notice for special meetings is waived. (1997, c. [591](#))

§ 3.6. Compensation.

Compensation for the mayor and council members shall be set by the council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the mayor and the council members shall not be effective until July 1 following the local election after the council approves such increases. (1997, c. [591](#))

Chapter 4. Miscellaneous.

§ 4.1. Ordinances continuing.

All ordinances now in force in the Town not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. (1997, c. [591](#))

§ 4.2. Legislative procedure, etc.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and, with the exception of ordinances making appropriations or authorizing the contracting of indebtedness, each ordinance or resolution shall be confined to one general subject. Four members of council shall constitute a quorum. (1997, c. [591](#))

§ 4.3. Town officers.

A. At its organizational meeting held following the qualifications of the members of council, the council may, in its discretion, appoint a town manager who shall serve as the chief administrative officer of the Town.

B. The council may, in its discretion, appoint a town attorney, town clerk, town treasurer, chief of police and such other town officers as it deems appropriate. The council shall further provide the terms of each officer or, if there are no terms, shall indicate that the officers serve at the pleasure of the appointing authority.

C. Each officer shall have such duties and shall receive such compensation as specified by the appointing authority not inconsistent with the Constitution of Virginia, the general laws of the Commonwealth and this charter.

D. The same person may be appointed to more than one office. (1997, c. [591](#))

§ 4.4. Severability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons shall not be affected thereby. (1997, c. [591](#))

Chapter 1. GENERAL PROVISIONS

Division 1 - Administrative Legislation

Article I. Adoption of Code

§ 1-100. Adoption of Code.

There is hereby adopted by the Town Council of the Town of Port Royal that certain Code entitled the "Code of the Town of Port Royal, Virginia," containing certain ordinances of a general and permanent nature as revised, compiled, consolidated and recodified in Chapters 1 to 26, both inclusive and applies within the boundaries of the entire Town of Port Royal, Virginia as shown on the official map of the Town of Port Royal, Virginia.

§ 1-101. Effective date; repealer.

The provisions of such Code shall be in force on and after the effective date of this ordinance, and all ordinances of a general and permanent nature enacted on or prior to the effective date of this ordinance and not contained in such Code are hereby repealed but only to the extent necessary to remedy any inconsistency.

§ 1-102. Legislation saved from repeal.

The repeal provided for in the preceding section of this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by or for the town or authorizing the issue of any bonds of the town or any evidence of indebtedness or any contract or obligation assumed by the town; nor shall it affect any right or franchise conferred by ordinance or resolution of the town on any person or corporation; nor shall it affect any ordinance adopted for purposes which have been consummated or any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any of the following ordinances or any amendment thereto:

- A. Any appropriation ordinance.
- B. Any ordinance levying or imposing taxes.
- C. Any ordinance providing for any public improvement
- D. Any ordinance making any assessment.
- E. Any ordinance opening, relocating, closing, altering or naming any streets or alleys.

- F. Any ordinance relative to salaries, wages or compensation or bonds of town officers and employees or to members or employees of town boards or commissions.
- G. Any ordinance relative to annexation of territory to the town or relative to the change, expansion or contraction of the corporate boundaries of the town.
- H. Any ordinance adopting or amending any zoning regulations.

§ 1-103. Severability.

It is hereby declared to be the intention of the Town Council that the section, paragraphs, sentences, clauses and phrases of this ordinance and of the Code are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or such Code shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or of such Code.

§ 1-104. Copies of file.

Three (3) copies of the Code shall be filed in the office of the Town Manager and be made available to persons desiring to examine the same.

§ 1-105. Changes in previously adopted legislation.

In compiling and preparing the ordinances for publication as the Code of the Town of Port Royal, no changes in the meaning or intent of such ordinances have been made. In addition, certain grammatical changes and other minor non-substantive changes were made in one (1) or more of said pieces of legislation. It is the intention of the Town of Port Royal that all such changes be adopted as part of the Code as if the ordinance had been previously formally amended to read as such.

Article 2. Elections

§2-200. Statutory Authority

Pursuant to § 24.2-308 of the Code of Virginia, 1950, as amended, there is one precinct for the Town of Port Royal.

§ 2-201. Voting precincts and polling places.

The voting precinct and polling place for the Town of Port Royal is hereby established and set forth by the Registrar of the County of Caroline, Virginia.

CHAPTER 2: ADMINISTRATION OF GOVERNMENT

Article I: Town Seal and Motto, Town Council, Mayor

Division 1: Generally

§ 2-100. Town seal and motto.

- A. There is adopted, as the seal of the Town, two concentric circles. The inner circle shall include around the rim the words “TOWN OF PORT ROYAL VIRGINIA 1744” in black print on a white field; within the white field shall be a circle of 13 green sheaves of tobacco, within which shall be an image of a sailing ship on a blue field. Around the outer circle shall be a circle of orange sunrays on a field of gold.
- B. No one shall be permitted to use, publish, duplicate, sell, or distribute materials bearing the Town seal without the prior approval of the Town Council, with the exception of Historic Port Royal, which has rights to use of the seal through prior sanction.
- C. There is adopted, as the motto of the Town, the words “Behold Us Rising.”

§ 2-101. Town Council, Terms of Office, Elections.

- A. Except as otherwise provided in the Town Charter, all powers of the Town and the administration and government thereof shall be vested in the Council and such boards or officers as are hereafter mentioned or as may be by law otherwise provided.
- B. An election shall be held on the Tuesday after the first Monday of November, 2018, and every two years thereafter. At each election, the seven candidates for Council receiving the highest number of votes shall be elected for a term of two years. The Council members elected at such elections shall enter upon their duties on the first day of January next succeeding.
- C. At the first regularly scheduled meeting of the Council in January following the election, the Council shall by majority vote choose one of their membership as Mayor and another as Vice Mayor, who shall hold their offices for that term.
- D. Any vacancies on the Council occurring other than by expiration of terms shall be filled, from the electors of the Town, for the unexpired term, by a majority vote of the remaining members of the Council. The Council shall judge of the election, qualification, and returns of its members; and, with the concurrence of two-thirds, expel a member, for cause. If any person returned be adjudged disqualified, a new election to fill the vacancy shall be held on such day as the Council may prescribe. Any vacancy occurring otherwise during the term for which such person was elected shall be filled by the council by the appointment of anyone eligible to such office.
- E. A majority of the members of the Council shall constitute a quorum for the transaction of business.

§ 2-102. Compensation of Town Council and Mayor.

Compensation for the Mayor and Council members shall be set by the Council subject to any limitations placed thereon by the laws of the Commonwealth of Virginia. Increases in the salaries of the Mayor and the Council members shall not be effective until January 1 following the local election after the Council approves such increases.

§ 2-103. Establishment of council committees.

The Town Council may establish such committees as deemed necessary in carrying out the Town functions. However, there shall at all times be an Audit Committee comprising two (2) members of the Town Council, which shall review the financial records and transactions of the Town as frequently as deemed necessary but not less than quarterly.

Division 2: Council Meetings

§ 2-104. Time and place of regular meetings.

The Town Council shall each year at its first meeting in January adopt a resolution establishing the day, time and place of its regular meetings to be held during the ensuing months. Unless otherwise provided in the annual resolution, the Town Council shall meet in regular session at the Town Hall on the third Tuesday of each month and the meeting shall be called to order at 7:00 p.m.

State law references: Code of Virginia, § 3.2-1416.

§ 2-105. Order of proceedings; consent agenda.

- A. Town Council may establish an agenda format to reflect its order of proceedings by resolution. Any such resolution to change the agenda format shall not be effective until the next regularly scheduled or adjourned meeting of Council.
- B. Any such agenda format established by Council shall include a consent agenda, which shall include by way of illustration, but not by limitation, the following:
 - a. Approval of minutes.
 - b. First readings of proposed ordinances and scheduling of public hearings and second readings thereof.
 - c. Reports of staff members and committees.
 - d. Resolutions and/or motions appointing persons to boards, committees, posts and commissions.
 - e. Acceptance of reports and petitions and scheduling of public hearings thereon.
 - f. Resolutions accepting dedication of streets and/or utilities.
 - g. Any item believed by the Town Manager to be routine and not controversial in nature.
- C. Any member of Council may by request have any item removed from the consent agenda, which item shall then be discussed as new business on the regular agenda.
- D. A single motion and roll call vote in favor thereof shall approve all items remaining on the consent agenda.

State law references: Code of Virginia, § 3.2-1427.

§ 2-106. Addressing council.

No person who is not a member of the Town Council shall address it during public addresses, unless recognized by the Mayor, and at other times, unless granted permission by majority consent of the Council.

§ 2-107. Calling for aye and nay vote.

The ayes and nays on any question may be called for at any time before proceeding to any other business, and shall be ordered upon the demand of any three (3) members of the Council.

§ 2-108. How questions determined.

- A. No action of the Council, except adjournment, shall be valid or binding unless adopted by the affirmative vote of a majority of the Council members present.
- B. No tax shall be imposed except by a vote of at least six (6) members of the Council.
- C. On final vote on any ordinance or resolution, the name of each member of the Council voting and how he voted shall be recorded. The Council may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the Council.
- D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.
- E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the Council, but, if no effective date is specified, then such ordinance shall become effective upon adoption.
- F. An emergency ordinance may be adopted by the Town Council without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of the Code.

State law references: Article VII, § 9, Virginia Constitution.

§ 2-109. Motion to reconsider.

No motion to reconsider a question which has been decided shall be entertained unless it is made by a member who voted with the prevailing side, and unless the motion to reconsider is made at the same meeting of the council or any adjournment thereof or the next subsequent meeting to that at which the question to be reconsidered was decided. All motions to reconsider shall be decided by a majority vote of the members present.

§ 2-110. Motion to adjourn.

- A. The motion to adjourn shall always be in order, except:
 - a. When a member has the floor;
 - b. When the ayes and nays are being called;
 - c. When the previous question has been ordered; or

- d. When a motion to adjourn has been put and lost without any other business intervening.

B. No motion to adjourn shall be debatable.

§ 2-111. Robert's Rules of Order.

Robert's Rules of Order shall govern in the deliberations of the Council, except as otherwise provided by ordinance or resolution.

§ 2-112. Suspension of rules.

The Council may temporarily suspend any of its rules by a unanimous vote of the members present.

§ 2-113. Remote electronic participation.

A. Remote electronic participation due to an emergency or personal matter:

- a. On or before the day of a meeting, the member shall notify the Mayor or Town Manager that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Mayor or Town Manager that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
- b. A quorum of the Council must be physically assembled at the primary or central meeting location. The Council members present must approve the participation by a majority vote. The decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Town Clerk shall record in the Council's minutes the specific nature of the emergency or personal matter and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.

B. Remote electronic participation due to a temporary or permanent disability:

- C. On or before the day of a meeting, the member shall notify the Mayor or Town Manager that the member is unable to attend the meeting due to a temporary or permanent disability or medical condition that prevents his or her physical presence.
- D. A quorum of the Council must be physically assembled at the primary or central meeting location. The Clerk shall record in the Council's minutes the fact of the disability or other condition and the remote location from which the absent member participated.
- E. For any remote participation, the Town Council shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location.

Article II: Officers and Employees Generally

§ 2-200. Tenure of officers and employees.

All appointments of officers and hiring of other employees shall be without definite term, unless for temporary services not to exceed one year, or except as otherwise provided by general law or special act.

State law references: Code of Virginia, § 3.2-303(A).

§ 2-201. Authority of deputies, assistants and acting officers and employees.

- A. Authority vested in and duties imposed upon Town officers by state law, the Town Charter, this Code or other ordinances and resolutions of the Town Council may be exercised or performed by their deputies, assistants and other subordinates, to the extent not prohibited by state law, the Town Charter, this Code or other ordinance or resolution of the Town Council.
- B. When any Town officer or employee is absent or disabled, or when any office or position in the Town government is vacant, the person designated by the Town Council to act in the place of such absent or disabled Town officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.

State law references: Code of Virginia, § 3.2-302.

§ 2-202. Participation in Virginia retirement system.

- A. The Town may participate in the Virginia Retirement System and all full-time pay plan officers and employees, and all part-time pay plan employees working an average of 30 or more hours per week may be members of the Virginia Retirement System.
- B. The Town Council may, each year, appropriate sufficient funds to make its required employer contributions to the board of trustees of the Virginia supplemental retirement system. All such contributions shall be paid by the Town Manager to such board of trustees in compliance with rules, regulations and procedures established by that board.
- C. The Town Manager shall be responsible for the performance by the Town of all duties imposed upon the Town and its member officers and employees under the applicable provisions of the Code of Virginia. The Town Manager may assign to the Town Clerk Town Treasurer, or other Town employees specific duties in this connection.

§ 2-203. Right of entry for purposes of inspection.

Whenever any officer or employee of the Town is required or authorized by state law, the provisions of this Code or any ordinance or resolution, or rules and regulations or orders issued thereunder, in order to carry out his or her duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle in accordance with law at any reasonable time in pursuance of such duties.

§ 2-204. Carrying of firearms.

With the exception of designated law-enforcement officers, no officer or employee of the Town shall carry a firearm, either openly or concealed, while engaged in any activity for which the officer or employee receives payment from the Town.

Article III: Specific Officers

§ 2-300. Town Manager.

- A. The Town Manager, as the chief administrative officer of the Town as provided in the Charter, shall be the administrative head of the Town and shall be responsible for the proper management of all the affairs of the Town which the Council has authority to control.
- B. The Town Manager, unless otherwise provided by general law, charter, or by ordinance or resolution of the Town, shall:
 - a. Ensure that all ordinances, resolutions, directives, and orders of the Town Council and all laws of the Commonwealth required to be enforced through the Town Council or officers subject to the control of the Town Council are faithfully executed;
 - b. Prepare the agenda for and attend meetings of the Town Council and make reports to the Town Council from time to time as required or deemed advisable upon the affairs of the Town under the Manager's control and supervision;
 - c. Submit to the Town Council a proposed annual budget, in accordance with general law, with the Manager's recommendations;
 - d. Execute the budget as finally adopted by Town Council;
 - e. Keep the Town Council fully advised on the Town's financial condition and its future financial needs;
 - f. Represent the Town in intergovernmental programs and committees when designated by the Town Council, including but not limited to the George Washington Regional Commission and the Virginia Municipal League;
 - g. Supervise and review the performance of all employees of the Town.
- C. Except as otherwise provided by law, Charter or ordinance, the Town Manager shall be authorized to make and execute, during the ordinary course of business and within the limitations of appropriations, all contracts on behalf of the Town.

State law references: Code of Virginia, §§ 3.2-336, 3.2-340, 3.2-341, 19.2-389.

§ 2-301. Town Clerk.

- A. The Town Clerk shall have such powers and perform such duties as may be prescribed by state law, the Charter, this Code and other ordinances and resolutions of the Town Council. Duties shall include but not be limited to:
 - a. Maintain public records;
 - b. Set up and maintain files for all Town accounts;

- c. Prepare correspondence for Council members, including the Mayor and Vice Mayor, and the Town Manager, and maintain copies of all correspondence;
 - d. Order forms, office supplies, etc. as needed;
 - e. Place required notices in the newspaper as directed by the Town Manager;
 - f. Maintain the Town bulletin board current by posting notices and removing expired or outdated notices;
 - g. Occupy the Town office during regular hours as established by the Town Council, at those times responding to inquiries etc. from Town residents and others;
 - h. With the Town Manager, prepare a draft agenda for Town Council meetings and distribute it to members of Council and post it on the Town bulletin board by 6:00 p.m. on the Friday preceding the meeting;
 - i. Attend all meetings of the Town Council, revise draft minutes of the previous meeting as resolved by Council, and record minutes of the meeting;
 - j. Prepare draft minutes of Council meetings and distribute them to members of Council within seven (7) days following the meeting.
- B. No record or other item of personal property of the Town shall be removed from the office of the Town Clerk except by the Town Clerk's authority, and for which the Town Clerk may require a written receipt, or by authority of the Town Council, the Town Manager or a valid subpoena *duces tecum* issued by a court, tribunal, officer or other body having competent jurisdiction.

§ 2-302. Town Treasurer.

- A. The Town Treasurer shall have such powers and perform such duties as may be prescribed by state law, the Charter, this Code and other ordinances and resolutions of the Town Council. Duties shall include but not be limited to receiving funds, making bank deposits, and paying bills at the direction of the Town Manager; assisting the Town Manager in preparation of a monthly financial report for the Town Council; and assisting the Town Manager in preparation of an annual budget for the Town.
- B. The position of Town Treasurer may, at the discretion of the Town Council, be combined into a single position with that of Town Clerk, the occupant to be known as Town Clerk/Treasurer.

§ 2-303. Town Attorney.

- A. The Town Council may retain the services of a member of the bar of the Commonwealth, or a law firm or partnership of two (2) or more members of the bar of the commonwealth, and the person, firm or partnership so retained shall be known as the Town Attorney.
- B. The Town Attorney shall be the legal advisor to the Town Council and the Planning Commission and to the Mayor and the Town Manager and, when requested, shall furnish written or verbal opinions upon any subject involving questions of law in which the Town is interested.

State law references: Code of Virginia, §§ 3.2-336, 3.2-342.

§ 2-304. Claims procedure.

- A. Persons proposing to make a claim against the Town, its officers, officials, agents, or employees, for injury to person or property or for wrongful death, alleged to have been sustained by reason of the negligence of the Town, its officers, officials, agents, or employees, shall file within six (6) months after the injury or damage is alleged to have occurred, with the Mayor or Town Manager, a written statement of the nature of the claim and of the time and place at which the injury or damage is alleged to have occurred.
- B. As requested by order of the Town Council, the Town Attorney shall cause a factual investigation to be made of the claim, research the law governing the claim, and, in consultation with the Town Manager, recommend to the Town Council denial or proposed settlement of the claim, in accord with the Code.
- C. In reviewing any such claim, the Town Attorney shall consider any available insurance coverage.
- D. Settlement or denial of claims, or recommendations with respect thereto, shall be in accord with official written policies or ordinances of the Town Council or law of the commonwealth and United States of America, as determined by the Town Attorney, as appropriate.

§ 2-305. Authorization of and Signatures on Town checks.

Payments to the Town Treasurer shall be authorized by the Mayor or Vice Mayor and signed by the Town Manager. Payments to the Town Manager shall be authorized by the Mayor or Vice Mayor and signed by the Town Treasurer. All other checks or charges drawn against the Town shall be authorized by the Town Manager and signed by the Town Treasurer.

Article IV: Town Property and Departments

§ 2-400. Center of Government

- A. The center of government of the Town of Port Royal is the building located on the Town Green at the address 419 King Street, known as the Port Royal Town Hall.
- B. The Town Hall is the location where the Town government shall meet and Town officials, commissions, departments, and boards shall transact the public business.
- C. The Town's public records shall be housed at this location
- D. The Town's archival records shall be transferred to the Virginia State Library as the Commonwealth's official repository of public records in accordance with the Virginia Public Records Act.

§ 2-401. Planning Commission—Duties and Responsibilities

- A. The Town of Port Royal Planning Commission is responsible for planning for the future and the day-to-day reconciliation of goals found in formal planning documents such as the Comprehensive Plan and zoning and special use permits in order to assure the orderly

growth and development of the Town, including adequate and appropriate resources for the housing, business, industry, transportation, historic resources, economic development, recreation, culture, comfort, convenience, health and welfare of its population and relations with neighboring jurisdictions.

- B. The Planning Commission shall make and present to the Town Council for adoption of the Comprehensive Plan describing recommendations for development and preservation activities of the area covered by the Plan in order to guide and accomplish a coordinated and harmonious development and preservation of critical resources of the Town. This Plan shall be updated at regular intervals as provided by law.
- C. The Planning Commission shall prepare and submit to Town Council, in a timely manner, a comprehensive draft zoning ordinance and zoning district maps. As required, the Planning Commission shall review applications for special use permits, rezonings, conditional rezonings, conditional use permits, closings or changes in use of streets, acquisition or sale of Town-owned property, and all similar matters, and make recommendations to the Town Council.

§ 2-402. Planning Commission—Membership and Procedures

- A. Planning Commission is hereby established for the town, which Commission shall consist of five members who shall be qualified voters in the town, one of whom may be a member of the Town Council
- B. Members of the Planning Commission shall serve without financial compensation. Expenses incurred by the Commission or its members in the course of pursuance of their duties may be reimbursed by provision of the Town Council.
- C. The Planning Commission shall meet at least twice a year on dates and times to be determined by majority vote of Commission members present. A majority of appointed members shall constitute a quorum with full authority to act on behalf of the full Commission. At its first meeting in each calendar year, the Commission shall choose from among its members a Chair and a Vice Chair to hold these offices throughout the year, and shall set its meeting schedule for the remainder of the year.
- D. All meetings of the Planning Commission shall be open to the general public and shall include hearings and other matters contained in the agenda and advertised. Meetings and their agendas shall be advertised in a local general-circulation newspaper not later than the week preceding the meeting.
- E. Special meetings of the Planning Commission may be called by the Chair or by any two (2) members of the Commission. Such meetings shall be properly advertised and open to the public in the same manner as regularly scheduled meetings.
- F. The Planning Commission shall adopt rules for the transaction of business and keep a record of its business. This record shall be available for public inspection at the office of the Town Clerk during hours the office is open and shall also be maintained on the Town of Port Royal website.

CHAPTER 3 NUISANCES AND OFFENSES

Article I Offenses

§3-100. Interfering with Town officers and employees.

No person shall carelessly or willfully interfere with, hinder or obstruct any officer or employee of the Town who is engaged in, en-route to or returning from, the performance of official duty, whether such interference, hindrance or obstruction is by threat, assault or otherwise.

§3-101. Impersonation of Town officers and employees.

No person shall falsely represent that he or she is an officer or employee of the Town, or without proper authority wear or display any uniform, insignia or credential which identifies any Town officer or employee; nor shall any person, without proper authority, assume to act as an officer or employee of the Town, whether to gain access to premises, obtain information, perpetrate a fraud or for any other purpose; provided that nothing in this section shall be construed to prevent a private citizen from making a lawful citizen's arrest for felony or breach of the peace committed in his or her presence.

State law references: Code of Virginia, § 18.2-174; § 18.2-175.

§3-102. False alarm or report to police.

No person shall knowingly give or cause to be given any false alarm of the need for police protection, assistance or investigation, or any false report to the police department.

State law references: Code of Virginia, § 18.2-461.

§3-104. Alarm notification.

(a) Any person maintaining an intrusion or fire alarm for a facility or residence in this Town shall provide to the Town, and continually update as necessary, a list of two (2) people whom may be contacted to turn off the alarm in the event the alarm is triggered and the person maintaining the alarm may not be found. The person shall provide to the Town the name, business and home address and telephone number, and street address of these persons to be contacted.

(b) Violation of this section shall constitute a Class 4 misdemeanor.

§3-105. Costs imposed on criminal and traffic cases.

(a) There is assessed, as part of the fees taxed as costs in each criminal or traffic case arising in the Town of Port Royal, the sum of two dollars (\$2.00) for each such case processed in the general district court, and two dollars (\$2.00) for each such case processed in or appealed to the circuit court of Caroline County.

(b) The clerk of the court in which the action is filed, or to which the action has been appealed, shall collect the fee imposed by this section as part of the cost of the proceeding, and without delay remit it to the director of finance of the Town.

(c) The Town council shall appropriate the funds generated by these fees for construction, renovation, or maintenance of the courtroom, jail, or other court-related facilities in the Town of Port Royal, and for the defrayal of increases in the cost of heating, cooling, providing electricity for, and the ordinary maintenance of, these facilities.

(d) The fees imposed by this section shall be in addition to, and not instead of, any fees or costs imposed by any competent authority.

§3-106. Fee for voluntary fingerprinting.

The fee to be charged by the Town for voluntary fingerprinting of persons upon request shall be five dollars (\$5.00) per set of fingerprints.

§3-107. Sale of unclaimed bicycles in possession of the police; action of Town manager.

The Town manager is authorized either to sell at a public sale, or to donate to a charitable organization for disposition to needy individuals, any bicycle or moped which has been in the possession of the chief of police, unclaimed, for more than thirty (30) days. In case of the sale of this property, the Town manager shall follow the procedures set out in this Code or purchasing procedures governing the disposition of surplus supplies.

State law references: Code of Virginia, § 3.2-1720.

§3-108. Disposition of unclaimed property.

(a) The Town manager may sell at public sale any unclaimed personal property which has been in possession of the police department and unclaimed for more than sixty (60) days.

(b) "Unclaimed personal property" means any personal property belonging to another which has been acquired by a law enforcement officer pursuant to his or her duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner, and which the state treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1, and following, Code of Virginia).

(c) Prior to the sale of any unclaimed item, the chief of police shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth a written statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in this Town once a week for two (2) consecutive weeks, notice that there will be a public sale of unclaimed personal property. Such property shall be described generally in the notice, together with the date, time, and place of sale. The Town manager shall cause the chief of police to pay from the proceeds of the sale the costs of the advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by the Town for the owner and paid to the owner upon satisfactory proof of ownership.

(d) If no claim has been made by the owner for the proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the general fund of the Town. Any such owner shall be entitled to apply to the Town within three (3) years from the date of sale and, if timely application is made therefor, the Town shall pay the remaining proceeds of the sale to the

owner without interest or other charges. No claim shall be made and no suit, action or proceeding shall be instituted for the recovery of such funds after three (3) years from the date of the sale.

State law references: Code of Virginia, § 3.2-1719.

§3-109. Disorderly conduct in public places.

- A. A person shall be guilty of disorderly conduct and a Class 1 misdemeanor if, with the intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, such person:
1. In any street, highway, or public building, or while in or on a public conveyance or in a public place engages in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed; or
 2. Willfully or being intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts any funeral, memorial service, or any meeting of the Town council or any department, division or agency thereof, or of any school, literary society or place of religious worship, if such disruption:
 3. Prevents or interferes with the orderly conduct of the funeral, memorial service, or the meeting; or
 - a. Has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed; or
 - b. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption:
 - c. Prevents or interferes with the orderly conduct of the operation or activity; or
 - d. Has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.
 4. However, the conduct prohibited under §3-109(a), (b) or (c) shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under the Code of Virginia Title 18.2.
 5. The person in charge of any such building, place, conveyance, meeting, operation or activity may eject therefrom any person who violates any provision of this section, with the aid, if necessary, of any persons who may be called upon for such purpose.

§3-110. Posting advertisements, signs, etc., on property of another.

Any person who shall put up or cause or direct another to put up any show bill, notice or advertisement, or any brand or mark any sign, letters or characters, upon any building, window, wall, fence, utility pole or other property of another person, or of the Town, without first obtaining the consent of the owner or person in charge or control of such property, shall be guilty of a Class 4 misdemeanor.

§3-111. Littering.

No person shall sweep, throw or otherwise deposit in or on any street or sidewalk or on private premises any animal or fowl carcass, rubbish, paper, handbills, dirt, filth, shavings, manure, offal, ashes, vegetables, fruit, broken glass, tacks, tin cans or any other articles or substance or refuse matter of any kind, or any matter or substance or thing calculated to render the streets unclean or

unsightly or unsafe for any person or vehicle using such street, or matter, substance or thing liable to affect injuriously the health of the community.

State law references: Code of Virginia, § 33.1346.

§3-112. Urination or defecation in public.

It shall be unlawful for any person to urinate or defecate in or on any sidewalk, street or in any public place, or in any place where other persons are present, unless such urination or defecation be in a bathroom, restroom or other facility specifically designed for such purpose. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

§3-113. Abandoned or discarded refrigerators and other airtight containers.

- A. It shall be unlawful for any person to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than two (2) cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment.
- B. This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.
- C. Any violation of the provisions of this section shall constitute a Class 3 misdemeanor.

State law references: Code of Virginia, § 18.2-319.

§3-114. Discharge of firearms.

- A. No person shall discharge a firearm of any description within the Town R1, R2 and B1 districts. This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose said willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. In addition, this section shall not apply to any otherwise lawful discharge while actually engaged in target practice on ranges lawfully established and maintained; nor shall it apply to the use of weapons in hunting as described in §3-13 of this article or in killing varments, the use of blank ammunition at athletic events, military funerals, theatrical performances or events of similar character.
- B. For purposes of this article, the word "firearm" shall mean any weapon in which ammunition may be used or discharged by explosion or pneumatic pressure. The word "ammunition," as used herein, shall mean a cartridge, pellet, ball, missile or projectile adapted for use in a firearm.

State law references: Code of Virginia, § 3.2-1113; §§ 18.2-280, 18.2-286.

§3-13. Use of weapons in hunting.

- A. Hunting with bow and arrow is permitted in the Agricultural District zoning district on any lot of three (3) acres or more, during seasons declared by the Virginia Department of Game and Inland Fisheries, including any early, late, or special Urban Archery Season. Hunting with bow and arrow is prohibited in all other zoning districts at all times.

- B. Hunting with shotguns and muzzle loading rifles is permitted within the Agricultural District, during hunting seasons declared by the Virginia Department of Game and Inland Fisheries. Hunting with rifles, shotguns and muzzle-loading rifles is prohibited in all other areas of the Town at all times.
- C. It is unlawful to hunt within twenty-five (25) yards of a dwelling, sidewalk, street, or roadway. Violation of this subsection is a Class 3 misdemeanor.
- D. No person shall shoot or hunt with a firearm or traverse an area with a loaded firearm within twenty-five (25) yards of the property line of a public school or a county, Town or regional park. Violation of this subsection is a Class 4 misdemeanor.
- E. The owner or lessee of land, or other person designated by the director of game and inland fisheries, may use a rifle to kill deer, pursuant to a valid permit from the director of the department of game and inland fisheries, pursuant to Virginia Code § 29.1-529.
- F. Any person hunting must comply with all applicable federal and state laws and regulations.
- G. The discharge of a firearm within Town limits is permitted by hunters hunting in compliance with all of the terms of this section.
- H. Except as designated, any violation of this section is a Class 1 misdemeanor.

§3-116. Profane swearing and intoxication in public.

If any person profanely curses or swears or is intoxicated in public, whether such intoxication results from alcohol, narcotic drug or other intoxicant or drug of whatever nature, he shall be deemed guilty of a Class 4 misdemeanor. In any area in which there is located a court-approved detoxification center a law-enforcement officer may authorize the transportation, by police or otherwise, of public inebriates to such detoxification center in lieu of arrest; however, no person shall be involuntarily detained in such center.

State law references: Virginia Code § 18.2-388; § 18.2-389.

§3-117. Disturbing the peace, generally.

It shall be unlawful and a Class 1 misdemeanor for any person to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by threatening, challenging to fight, assaulting, fighting or striking another.

§3-118. Curfew.

Any person under the age of 18 years old shall be prohibited from loitering in, upon, or around any public place, whether on public or private property. Any persons under the age of 18 years old who are not attended by their parents from frequenting or being in public places, whether on public or private property, at such times between Midnight and 6:00 a.m.

State law references: Virginia Code § 16.1-278.4; §16.1-278.5.

Article II Nuisances

§3-200. Definition.

“NUISANCE” means the doing of any act or the omission to perform any duty, or the permitting of any condition or thing to exist that endangers life or health, obstructs or interferes with the reasonable or comfortable use of public or private property, tends to depreciate the value of the property of others, or in any way renders other persons insecure in the life or the use of property. Whenever the term nuisance is used, it shall be deemed to mean a public nuisance.

§3-201. Illustrative enumeration.

- A. The existence of any of the following activities or conditions is hereby declared to be a public nuisance, provided, however, that this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
1. Any condition which provides harborage for rats, mice, snakes and other vermin.
 2. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
 3. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
 4. The carcasses of animals or fowl not disposed of within a reasonable time after death.
 5. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances.
 6. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
 7. Any action which unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage area.

§3-202. Prohibited.

(a) It shall be unlawful for any person to create, cause, permit or maintain a public nuisance. It shall also be unlawful for any person to permit the continuation of a public nuisance after having been served a notice to abate such nuisance.

(b) If the owner of a building or premises fails to abate or cause to be abated a public nuisance occurring on his or her property after receiving reasonable notice of its existence, even though such nuisance was caused or maintained by others, such owner shall be deemed to have permitted the continuation of such nuisance.

(c) Violation of this section shall constitute a class 1 misdemeanor. In addition, each day a public nuisance shall continue after the date set by the Town for its abatement shall constitute a separate offense.

§3-203. Notice to abate.

Whenever a nuisance is found to exist within the Town, a duly designated officer of the Town shall give written notice to the owner or occupant of the property upon which such nuisance exists and to the person causing or maintaining the nuisance, if such person be known.

§3-204. Contents of notice.

- A. The notice to abate a nuisance issued under the provisions of this article shall contain:
1. An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
 2. The location of the nuisance, if the same is stationary.
 3. A description of what constitutes the nuisance.
 4. A statement of acts necessary to abate the nuisance and a date by which the nuisance shall be abated.
 5. A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.
 6. A statement that the failure to abate a nuisance constitutes a criminal offense punishable as a Class 1 misdemeanor.

§3-205. Service of notice.

- A. The notice to abate a nuisance shall be given to the owner, the owner's agent, or person in control of the property on which the nuisance is located by delivering a copy of the notice to abate in person. If the person named in the notice to abate cannot be found after a diligent search, such notice shall be sent by certified mail to the last known address of such person and a copy of the notice to abate shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.
- B. The notice to abate a nuisance shall be given to a corporation, bank, trust company or other corporate entity who is the owner of such property or who acts as the owner's agent by delivering a copy thereof to its president or such other officer, manager, or director or agent thereof in the Town; or if such person cannot be found at the regular office or place of business in the Town of such corporation, bank, trust company, corporate entity, by delivering a copy to any employee thereof found at such office or place of business; or if no such person is found in such office or place of business, by leaving such copy posted at the front door of such office or place of business and a copy of the notice shall be posted in a conspicuous place on the premises. Such procedure shall be deemed the equivalent of personal notice.
- C. If the owner of property on which a nuisance is located is unknown or has no place of abode, office or place of business in the Town, or after reasonable efforts the Town cannot locate a last known address, notice shall be given by order of publication, by publishing a copy of the notice in a newspaper of general circulation in the Town at least 30 days prior to the abatement of the nuisance and a copy of the notice to abate shall also be posted in a conspicuous place on the premises.

§3-206. Abatement by Town.

- A. Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article or who was so ordered by a hearing officer to abate the same,

the Town shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof. In order to abate a nuisance, the Town may revoke any permit or license issued by the Town to the owner of the offending property and which is required by law to conduct the business or activity which gives rise to the nuisance. If the nuisance is not subject to abatement by the Town, or if otherwise appropriate, the designated officer shall cause criminal proceedings to be instituted against the person or persons causing or permitting the continuation of the nuisance.

- B. When in the opinion of the designated officer, a nuisance results in a condition that creates an immediate, serious and imminent threat to the health or safety of the public, the official may have the necessary work done to abate the nuisance whether or not notice to require the owner or occupant of the premises to abate the nuisance has been given.

§3-207. Costs of Town action constitute lien on property; administrative fee authorized.

Any and all costs incurred by the Town in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied. In addition, an administrative fee of \$30.00 or 25% of the cost, whichever is less; however, in no event shall the fee be less than \$25.00.

Article III Animals

Division 1 General Provisions

§3-300. Reserved

§3-301. Maintenance of stables or pens.

Each person owning or having the custody or control of an animal or fowl within the Town shall provide for such animal or fowl a suitable stable, pen or other enclosure or place of habitation therefore; and it shall be his duty to maintain such place at all times in a safe and sanitary condition, free of excrement and other unsanitary or offensive substances or liquids. Such place of habitation shall include a shelter that may be reasonably expected to protect the animal from physical suffering or exposure to the elements or adverse weather. The shelter shall be of adequate size for the animal and shall be of material which will repel the elements and help maintain the body temperature of the animal.

§3-302. Disposition of carcasses.

The owner of any animal or grown fowl which has died, when he knows of such death, shall forthwith have its body cremated or buried, and if he fails to do so, the Town Manager, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose, and the officer or other person shall be entitled to recover from the owner of every animal so cremated or buried a fee to cover the actual cost of the cremation or burial.

§3-303. Animals constituting public nuisance.

- A. No owner shall fail to exercise the proper care and control of his dog, cat or other animal to prevent it from becoming a public nuisance. While not limited to the following, excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals or trespassing upon school grounds or private property in such a manner as to damage property shall be deemed a nuisance.
- B. Any person owning or having in his possession or under his control any dog, cat or other animal suspected of constituting a nuisance may be proceeded against by warrant or summoned before the general district court of the county to show cause why such animal should not be confined, killed, removed or the nuisance otherwise abated. Upon proof that such animal does constitute a public nuisance, the animal shall, by order of the Judge of the General District Court of the county, be confined, killed, removed or the nuisance shall be otherwise abated, as such Judge shall order. No person shall fail to comply with such an order.

§3-304. Quarantine of certain animals.

- A. If any animal bites any person or any other warm-blooded animal or if any animal exhibits active signs of rabies or is suspected of having rabies, such animal, along with any other animal which has been bitten, shall be confined in accordance with the Animal Warden's directions for such time as may be deemed necessary. If the confinement is impossible or impracticable, such animal shall be destroyed. All the provisions of this article shall be complied with.
- B. Any animal in the Town which has bitten a person or another animal and which is not deemed vicious by the Town Manager or County Animal Warden and which has been vaccinated and is not suspected of being rabid shall be confined to the premises of its owner, keeper or custodian for such period as may be designated by order of the Town Manager or the County Animal Warden, but not fewer than 10 days nor more than 45 days, provided that a seriously injured or sick animal may be humanely euthanized and its head sent to the Health Department for evaluation. During such confinement, such animals shall not be permitted to come in contact with other animals. No person shall fail to comply with such order after receiving notice of the same.
- C. Any violation of this Article shall constitute a Class I misdemeanor.

Division 2 Dogs

§3-310. Leash law.

- A. It shall be unlawful for the owner of any dog to permit the dog to go or be in the Town off the premises of the owner, unless the dog is kept secured by a leash, or led by other means of restraint (which may include an electronic leash or training device) not harmful to the dog.
- B. This section shall not apply to:
 - 1. Any dog used by law-enforcement agencies, or any dog under contract by law-enforcement agencies.
 - 2. Any person who uses a dog under his or her direct supervision while lawfully hunting, while engaged in a supervised, formal obedience training class or show, or during formally sanctioned field trials.
 - 3. Any dog found or whose owner's premises are located in an agricultural district.

- C. Any person violating this section shall be liable to the Town for a civil penalty of fifty dollars (\$50.00).
- D. Any ticket for a violation shall inform the violator that he or she may avoid a trial by paying this penalty to the Town by mail or in person at the office of the director of finance within fourteen (14) calendar days following the date of the ticket. If a person charged with a violation does not elect to pay the civil penalty within fourteen (14) calendar days, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

State law references: Code of Virginia, § 3.1-796.95.

§3-311. Unlawful to allow dogs to urinate or defecate on public or private property; exception.

- A. It shall be unlawful for any owner of a dog to:
 - 1. Knowingly or willfully allow the dog to urinate or defecate on the private property of other persons without their consent; or
 - 2. Knowingly or willfully allow the dog to urinate or defecate on public property, except that defecation by a dog on public property shall not constitute a violation of this section if the owner of the dog immediately removes the material defecated and disposes of it in a safe and sanitary manner.

§3-312. License and rabies vaccination required.

It shall be unlawful for any person to own, keep, hold or harbor a dog over the age of six months within the Town without a currently valid county dog license and certificate of rabies vaccination for such dog.

§3-313. Running at large; disposition of impounded dogs.

- A. It shall be unlawful for any person to permit a dog of either sex to run at large at any time. For the purpose of this section, a dog shall be deemed to run at large while off the property of its owner or custodian and not under its owner's or custodian's immediate control.
- B. It shall be the duty of the Animal Warden to catch and pen all dogs found running at large in violation of this section. Every dog so impounded shall be penned for a period of not less than five days from the time of capture, such period to commence on the day immediately following the day the dog is initially confined in the facility, during which time it may be redeemed by the owner or custodian after paying the fees required by Caroline County Animal Shelter.
- C. The owner of an impounded animal that required and received veterinary treatment while impounded under any of the provisions of this article shall pay for all medical costs incurred during such impoundment, including reimbursement to the Town for any such costs already paid by the Town on behalf of such animal.
- D. If any dog is impounded as provided for in this article, it shall be the duty of the Animal Control Officer, if the rightful owner of any dog confined may be readily identified, to make a reasonable effort to notify the owner or custodian within a period of 48 hours. If not redeemed within five days, such dog shall, upon the payment of a fee as set by the Caroline County Animal Shelter, be placed for adoption in a suitable home or humanely destroyed under the direction of the Animal Control Officer pursuant to Code of Virginia § 3.1-

796.119, except that no animal may be disposed of by sale or gift to a federal agency or state-supported institution, agency of the commonwealth, agency of another state, a licensed federal dealer or any other person or agency unless such person or agency proposes to adopt such animal as a pet. This fee shall be used to cover the cost of transfer, seizure and veterinary care of the dog. The person desiring to adopt the dog shall sign an adoption contract agreeing to abide by the rules and regulations of the Animal Control Officer and shall have the dog spayed or neutered within a time period administratively set by the Animal Control Officer, which time period shall not be more than six months. Such person shall, in the case of a dog, obtain a proper license for such dog, pursuant to this article, within 10 days of such transfer

- E. The provisions of this section relating to impoundment and disposition of impounded animals shall apply to cats, dogs, pets and all other animals of any type, including domesticated or wild animals held under captivity, but provisions of this section related to spaying and/or neutering shall apply to dogs and cats only; all other animals are exempt from said procedure.

§3-314. Female dogs in heat.

No person shall permit any female dog owned by him or in his custody or control to stray from his own property while such dog is in heat.

§3-315. Dangerous, vicious or biting dogs; dogs killing animals or poultry.

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by the following:

“DANGEROUS DOG” means a canine or canine crossbreed, which has bitten, attacked or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

“VICIOUS DOG” means a canine or canine crossbreed which has killed a person; inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health or serious impairment of a bodily function; or continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

“RUN AT LARGE” OR “GO AT LARGE” means the act of roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

“PRIVATE PROPERTY” means real estate or leasehold estate not owned, possessed or used by the Town, the Commonwealth of Virginia, the United States of America or any political subdivision or agency of these governments.

“PUBLIC PROPERTY” means real estate or leasehold estate, owned or possessed or used by the Town, the Commonwealth of Virginia, the United States of America or any political subdivision or agency of these governments.

“OWNER” means a person who:

- (1) has a right of property in an animal;

- (2) keeps or harbors an animal;
- (3) has an animal in his or her care;
- (4) acts as a custodian of an animal; or,
- (5) any person who knowingly permits an animal to remain on or about the premises he or she occupies.

- A. Any Animal Control Officer who has reason to believe that a canine or canine crossbreed within the Town of Port Royal is a dangerous dog or vicious dog shall apply to a magistrate of Caroline County for the issuance of a summons requiring the owner or custodian, if known, to appear before the General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Control Officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this article. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of state law.
- B. An Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the Animal Control Officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of this article. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination to the General District Court for a trial on the merits.
- C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited. No animal shall be found to be a dangerous dog or a vicious dog if the threat, injury or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or provoking, tormenting or physically abusing the animal or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times. No police dog, which was engaged in the performance of its duties at the time of the acts complained of, shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, was protecting itself, its kennel, its offspring or its owner or owner's property shall be found to be a dangerous dog or a vicious dog.
- D. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding, obtain a dangerous dog registration certificate from the Animal Control Officer for a fee of \$50 in addition to other fees that may be authorized by law. The Animal Control Officer shall also provide the owner with a uniformly designed tag, which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.
- E. All certificates or renewals required to be obtained under this article shall only be issued to persons 18 years of age or older who present satisfactory evidence of the animal's current

rabies vaccination, if applicable, and that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals under this article shall not be issued a certificate or renewal unless they present satisfactory evidence that their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and the animal has been permanently identified by means of a tattoo on the inside of the thigh or by electronic implantation.

- F. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
- G. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this article.
- H. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning that the dog has been found to be dangerous, notify the local animal control authority if the animal is loose or unconfined; bites a person or attacks another animal; is sold, given away or dies; or has been moved to a different address.
- I. All fees collected pursuant to this article, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this article, shall be paid into a special dedicated fund in the treasury of Caroline County for the purpose of paying the expense of any training courses needed by the Animal Control Officer to comply with the Dangerous and Vicious Dog Ordinance.
- J. All certificates or renewals required to be obtained under this article shall only be issued to persons 18 years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

§3-316. Damage or nuisance by dog.

No owner of a dog shall permit or tolerate such dog to damage or destroy property of any kind or to deposit waste or allow a dog to commit a nuisance upon the premises of a person other than the owner or person harboring such a dog.

§3-317. Barking or howling dogs.

The harboring or keeping of any dog which by loud, frequent or habitual barking or howling shall cause annoyance and disturb the peace and quiet of any person or neighborhood shall be unlawful.

§3-318. Rabies vaccination required.

- A. It shall be unlawful for any person to own, keep, hold or harbor a dog or cat over the age of four months within the Town unless such dog or cat shall have been vaccinated against rabies as provided in § 3.1-796-97:1 of the Code of Virginia.

- B. Any person transporting a dog into the Town from some other jurisdiction shall be required to conform to the above regulation within 30 days.

§3-319. Tag and certificate of vaccination; noncompliance.

- A. At the time of vaccination, a suitable and distinctive collar tag and certificate of inoculation setting forth the type of vaccine used shall be issued to the dog owner. The collar tag shall be affixed to the dog's collar and must be worn at all times when the dog is not on the owner's property or in the immediate control of a responsible person.
- B. Any dog found in the Town not vaccinated and identified as described in the above provisions may be impounded by the Animal Control Officer, and such dog may be held for a period of 10 days. The dog may be returned to its owner upon proof of ownership, vaccination of the dog, payment of the cost of impounding the dog at the rate provided by the county, and payment of any fine which may be imposed for a violation of this article
- C. At the expiration of the ten-day period, any dog not so claimed by its owner may be disposed of by giving it into the possession of any person willing to pay the cost of impounding, vaccination and license, or if not so disposed of, it may be killed in a humane manner by the impounding officer or other designated official.

§3-320. Town quarantine.

When, in the judgment of the Caroline County Health Director, an emergency shall be deemed to exist in the Town due to a widespread rabies epizootic, for the protection of the public health the Health Director may declare a quarantine in the Town and restrict all dogs to the owners' premises or to the immediate custody of a responsible person for the duration of such emergency as it is set forth.

§3-321. Violations and penalties.

Any person, firm or company or corporation who or which neglects or refuses to do any act required by this article shall be guilty of an offense. The penalty for the first violation is a fine not to exceed \$50 or a term of imprisonment not to exceed 3 days, or both. Each week that such violation, disobedience, omission, neglect or refusal continues or arises shall be deemed a separate offense. The penalty for the second violation is a fine not to exceed \$100 or a term of imprisonment not to exceed 3 days, or both. The third violation and all subsequent violations within 18 months have penalty of a fine not to exceed \$200 or a term of imprisonment not to exceed 30 days or both.

Division 3 Cruelty and Disposition of Animals

§3-330. Cruelty to animals.

- A. Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (ii) deprives any animal of necessary sustenance, food, drink or shelter; or (iii) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (iv) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce

torture or unnecessary suffering; or (v) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a Class 1 misdemeanor. Prosecution for violations of this subsection shall commence within five years after commission of the offense. Prosecutions of this subsection regarding agricultural animals, as defined in Code of Virginia § 3.1-796.66, shall commence within one year after commission of the offense.

- B. Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor.
 - C. Nothing in this section shall be construed to prohibit the dehorning of cattle.
 - D. For the purposes of this section the word animal shall be construed to include birds and fowl.
- State law references:** Code of Virginia, §§ 3.1-796.94, 3.1-796.122.

§3-331. Disposition of dead dogs, animals and fowl.

- A. The owner of any animal or grown fowl which has died, when he knows of such death, shall forthwith have its body appropriately cremated or buried. If he fails to do so, the Town manager shall petition the General District Court for permission to do so, pursuant to Code of Virginia § 18.2-510. The Town manager shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars (\$75.00), and of the owner of every fowl so cremated or buried, the actual cost of the cremation or burial, not to exceed five dollars (\$5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of the owner.
- B. Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.
- C. Violation of this section shall constitute a class 4 misdemeanor.

State law references: Code of Virginia, § 3.1-796.121.

§3-332. Confinement in case of hydrophobia.

Whenever there is sufficient reason to believe that there is a case of hydrophobia in the Town, the Town council shall adopt an emergency ordinance requiring that all dogs and cats immediately be confined for a reasonable length of time. Upon the issuance of such declaration, all dogs and cats shall be confined in accordance with the terms thereof.

State law references: Code of Virginia, § 3.1-796.98.

§3-333. Destruction of rabid animal.

The Town manager shall have the power to order the destruction of any animal infected with hydrophobia or of any animal, for which no proof of current rabies vaccination is available, bitten by an animal so infected. Upon such order by the Town manager, such animal shall be destroyed. It shall be unlawful for the owner of any animal subject to destruction hereunder to conceal such animal.

State law references: Code of Virginia, § 3.1-796.98.

Article IV Motor Vehicles and Traffic

Division 1 General Provisions

§3-400. Statutory authority.

This article is enacted pursuant to § 3.1-132, § 46.2-1237, § 46.2-1300 and § 46.2-1313 of the Code of Virginia 1950, as amended.

§3-401. Adoption of statutory provisions.

- A. The following sections of Title 46.2 of the Code of Virginia are hereby adopted and incorporated into this section by reference thereto and are hereby made applicable within the Town with the same force and effect as if hereinafter fully set forth verbatim. Subtitle I, Chapter 1, § 46.2-100, § 46.2-102, § 46.2-103, § 46.2-104, § 46.2-110, § 46.2-111 and § 46.2-113; in Subtitle II, Chapter 3, § 46.2-300, § 46.2-301, § 46.2-301.1 and § 46.2-302; in Subtitle III, all code sections contained in Chapter 8 of said subtitle and within Chapter 10 of said subtitle § 46.2-1000, § 46.2-1002, § 46.2-1003, and all code sections contained within Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 20 and 21 within said Chapter 10. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this article as fully as though set forth at length herein, and it shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section, provided that in no event shall the penalty imposed for violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.
- B. All sections of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia are hereby adopted and incorporated in this section by reference thereto and are hereby made applicable within the Town with the same force and effect as if hereinafter fully set forth verbatim.

§3-402. Reporting of convictions.

All convictions obtained in the courts of Caroline County for any violations of any provision of this article shall be reported to the Department of Motor Vehicles of the Commonwealth, as provided in § 46.2-382 and § 46.2-383 of the Code of Virginia, which is hereby adopted and incorporated in this section by reference thereto.

§3-403. Severability of statutory provisions.

Should any section of Title 46.2 or of Title 18.2 of the Code of Virginia which has been incorporated in this article by reference thereto be subsequently amended by emergency legislation or be declared unconstitutional or invalid by a court of competent jurisdiction, such action shall affect only that Code section so amended or declared unconstitutional or invalid and shall not affect the validity or constitutionality of this article as a whole.

§3-404. Protective helmet.

(a) Every person 14 years of age or younger shall wear a protective helmet that meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle or an electric power-assisted bicycle on any highway, sidewalk, or public bicycle path.

(b) Violation of this section shall be punishable by a fine of \$25. However, such fine shall be suspended for first-time violators and for violators who, subsequent to the violation but prior to imposition of the fine, purchase a helmet of the type required.

(c) Violation of this section shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle or electric power-assisted bicycles, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

Division 2 Vehicle Parking

§3-410. Parking Prohibited and Interference with Parked Vehicle.

- A. No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:
1. On a sidewalk;
 2. In front on a public or private driveway;
 3. Within an intersection;
 4. Within 3 feet of a fire hydrant;
 5. On a crosswalk;
 6. On the roadway side of any vehicle parked at the edge or curb of a street;
 7. At any place where official signs prohibit parking;
 8. In a designated fire lane;
 9. Against a yellow curb;
 10. Within a parking space reserved for persons with disabilities that limit or impair their ability to walk unless such vehicle displays a disabled parking license plate, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under the Code of Virginia, or a disabled veterans (DV) disabled parking license plates issued under the Code of Virginia;
 11. Within the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 12. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- B. No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.
- C. On any street in the Town in which traffic may proceed in opposite directions, no person shall stand or park a vehicle other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within the distance required under the Code of Virginia. Nothing in this section shall be construed to prohibit a vehicle from being parked at an angle where angle parking is permitted.

§3-411. Parking Rules and Regulations.

- A. Pursuant to §36.2-1220 of the Code of Virginia, as amended, Town Council shall make and promulgate additional rules and regulations for the parking or stopping of vehicles upon the

highway, streets and Town parking lots in the Town of Port Royal , including rules and regulations providing for classification of vehicles with reference to parking or stopping, designation of the time, place and manner such vehicles may be allowed to park or stop on the highways and streets, and designation of areas for bus stops, taxicab stands and loading zones.

- B. At such times when, in the opinion of the Mayor, traffic conditions and the use of the highways require immediate action in order to provide for proper regulation of parking or stopping of vehicles, the Mayor is authorized to make and promulgate emergency rules and regulations for the parking or stopping of vehicles upon highways, streets and Town parking lots in the Town of Port Royal , which emergency rules and regulations shall only be in force and effect for such time as ordered by the Mayor, but in no case shall such emergency rules and regulations remain in force and effect longer than the next succeeding Town Council meeting.

§3-412. Enforcement of Parking Rules and Regulations.

It shall be unlawful for any person to fail, refuse or neglect to observe and comply with any such rule or regulation made and promulgated by the Town Council or by the Mayor; provided, however, that no such rule or regulation shall be deemed to have been violated unless appropriate and adequate signs, markers or other devices are erected. The term “signs, markers or other devices” shall include white lines or markers painted on highways and streets and yellow curb markings, customarily indicating parking spaces and no-parking zones.

§3-413. Parking Violations.

- A. Every person receiving written notice from a police officer that he has committed any of the offenses listed in this section may waive his right to appear and be tried for the offenses set forth in the notice. Such waiver shall be effective upon voluntary payment of \$50.00 to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice or upon voluntarily placing \$50.00. and a signed waiver of right to trial in the return envelope provided with the notice and mailing it to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice. Such person shall not thereafter be required to appear before the Caroline County General District Court for trial upon the charge set forth in such notice. Such offenses shall include parking a vehicle:
1. On a sidewalk;
 2. In front on a public or private driveway;
 3. Within an intersection;
 4. On a crosswalk;
 5. On the roadway side of any vehicle parked at the edge or curb of a street;
 6. At any place where official signs prohibit parking;
- B. Every person receiving written notice from a police officer that he has committed any of the offenses listed in this section may waive his right to appear and be formally tried for the offense set forth in the notice. Such waiver shall be effective upon voluntary payment of \$100.00 to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice or upon voluntarily placing \$100.00 and a signed waiver of right to trial in the return envelope provided with the notice and mailing it to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice. Such person shall not be thereafter required to appear before the Caroline General District Court for trial upon the charge set forth in such notice. Such offenses shall include parking a vehicle:

1. Within 3 feet of a fire hydrant;
 2. Within the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 3. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
 4. Within a designated fire lane;
 5. Against a yellow curb;
 6. Standing or parking a vehicle on any street in the Town in which traffic may proceed in opposite directions in a manner that is not parallel with the edge of the roadway headed in the direction of lawful traffic movement and not with the right-hand wheels of the vehicle within the distance required under the Code of Virginia.
- C. Every person receiving written notice from a police officer that he has committed any of the offenses listed in this section may waive his right to appear and be tried for the offense set forth in the notice. Such waiver shall be effective upon voluntary payment of \$250.00 to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice or upon voluntarily placing \$250.00 and a signed waiver of right to trial in the return envelope provided with the notice and mailing it to the Town Treasurer so that it is received and certified by the Town Treasurer within five days after issuance of such notice. Such person shall not thereafter be required to appear before the Caroline General District Court for trial upon the charge set forth in such notice. Such offenses shall include parking a vehicle within a parking space reserved for persons with disabilities that limit or impair their ability to walk unless such vehicle displays a disabled parking license plate, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under the § 46.2-1241, Code of Virginia, or disabled veterans (DV) disabled parking license plates issued under § 46.2-739, Code of Virginia.
- D. Any person who has received a notice pursuant to §3-513(a), (b), or (c) and wishes to contest the offense cited in such notice may, within five days after issuance of such notice, appear at the Town's Business Office and certify the contesting of such offense.
- E. Any person who has received a notice pursuant to §3-513(a), (b), or (c) and who fails to comply with §3-513(a) through (e) within five days after issuance of such notice shall be subject to a fine of \$50.00; and, in addition, a summons or arrest warrant may be issued for such person pursuant to § 46.2-941, Code of Virginia.
- F. The Town Treasurer shall be the administrative official responsible for the collection of parking citation penalties. The Town Treasurer shall render a report to the Police Chief on those persons who have paid such parking citation penalties. The Police Chief shall be the administrative official responsible for certifying, in writing, any contest of a parking violation to the Caroline General District Court; and the Police Chief shall cause complaints, summonses or warrants to be issued for delinquent parking citations.
- G. Proof that the vehicle described in the parking ticket citation was parked in violation of this Ordinance or a Town of Port Royal Parking Regulation, together with proof that the defendant was at the time of issuance of the citation the registered owner of the vehicle shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

§3-414. Removal or Immobilization of Vehicles for Outstanding Parking Violations.

- A. Any motor vehicle parked on the streets or public grounds of the Town of Port Royal against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within such Town or an adjacent locality designated by the Port Royal Town Manager for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except authorized by the Police Chief.
- B. Sheriff of Caroline County or his designee shall inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to §3-514, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.
- C. The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of a member of the Sheriff's Department of Caroline County, Virginia.
- D. The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and payment of all costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. If the owner fails or refuses to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in § 46.2-1213 of the Code of Virginia, 1950, as amended.

Division 3 Vehicles – Abandoned, Unattended, Immobile, Inoperative

§3-420. Definitions.

- “ABANDONED” - a motor vehicle is abandoned if it (i) lacks a current license plate; or a current county, city or Town license plate or sticker; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four days without being moved.
- “COMMISSIONER” means the Commissioner of the Virginia Department of Motor Vehicles.
- “DEPARTMENT” means the Virginia Department of Motor Vehicles.
- “GARAGE” means any commercial parking place, motor vehicle storage facility, or establishment for the servicing, repair, maintenance, or sale of motor vehicles whether or not the vehicle had been brought to that location with the consent of the owner or person in control of the premises.
- “GARAGE KEEPER” means the operator of a garage.
- “LAW ENFORCEMENT” means the Sheriff's Department of Caroline County, Virginia

§3-421. Abandoned.

The Town of Port Royal may take any abandoned motor vehicle into custody. The Town may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

§3-423. Unattended or Immobile Vehicles.

A. No person shall leave any motor vehicle, trailer, semitrailer, or part or combination thereof immobilized or unattended on or adjacent to any roadway if it constitutes a hazard in the use of the roadway. No person shall leave any immobilized or unattended motor vehicle, trailer, semitrailer, or part or combination thereof longer than twenty-four hours on or adjacent to any roadway inside the corporate limits of the Town of Port Royal. The Police may remove it or have it removed after twenty-four hours to a storage area for safekeeping and shall report the removal to the Department of Motor Vehicles and to the owner of the motor vehicle, trailer, semitrailer, or combination as promptly as possible. Vehicles posing an immediate hazard in the use of the roadway may be removed in less than twenty-four hours. Before obtaining possession of the motor vehicle, trailer, semitrailer, or combination, its owner or successor in interest to ownership shall pay to the parties entitled thereto all costs incidental to its removal or storage. In any violation of this section the owner of such motor vehicle, trailer, semitrailer or part or combination of a motor vehicle, trailer, or semitrailer, shall be presumed to be the person committing the violation; however, this presumption shall be rebuttable by competent evidence. When a motor vehicle, trailer, semitrailer, or part or combination of a motor vehicle, trailer, or semitrailer was stolen or illegally used by a person other than the owner of the vehicle at the time of the theft or used without his authorization, express or implied, it shall be forthwith returned to its owner or the owner's successor in interest, other than an insurance company, who shall be relieved of the payment of any costs charged by the towing operator or storage facility for its daily storage, towing, and recovery fees, provided that the owner removes the vehicle within five days following the owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing and recovery fees, and the owner shall then be entitled to seek reimbursement from the state treasury from the appropriation for criminal charges. The owner shall produce a valid motor vehicle registration or other proof of ownership to the employees of the facility wherein the motor vehicle, trailer, semitrailer or part or combination thereof is being stored. In any case in which the identity of the violator cannot be determined, or where it is found by a court that this section was not violated, the costs of daily storage, towing, and recovery fees of the vehicle shall be reimbursed to the towing and recovery operator and paid out of the state treasury from the appropriation for criminal charges.

§3-424. Removal and Disposition of Unattended or Immobile Vehicles.

- A. The Town may remove motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:
1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
 2. It is illegally parked;

3. It is left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant;
 4. It is immobilized on a public roadway by weather conditions or another emergency situation.
- B. Removal shall be carried out by or under the direction of a Town law enforcement officer. The Town shall not authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the Town against any loss or expense incurred by reason of removal, storage, or sale thereof. As promptly as possible, each removal shall be reported to the Police and to the owner of the motor vehicle, trailer, or semitrailer. Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle.

§3-425. Removal of motor vehicles obstructing movement; storage; payment of costs.

Whenever any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer interferes with the free ingress, egress, or movement on any premises, driveway, or parking area, without the permission of the owner of that property, any law enforcement officer may remove it or have it removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the motor vehicle, trailer, semitrailer, or other vehicle as promptly as possible. Before obtaining the possession of his property, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

§3-426. Authority to provide for temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police may (i) at no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

§3-427. Leaving vehicles on private property prohibited; authority of Town to provide for removal and disposition; notice of disposition.

No person shall leave any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer on the private property of any other person without his consent. On complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof has been left for more than seventy-two hours, that such motor vehicle, trailer, semitrailer, or part thereof, may be removed by or under the direction of a law enforcement officer to a storage area. The

owners of private property which is normally open to the public for parking shall post or cause to be posted signs warning that vehicles left on the property for more than seventy-two hours will be towed or removed at their owners' expense. The person at whose request the vehicle, trailer, semitrailer, or part thereof is so removed shall indemnify the Town against any loss or expense incurred by reason of removal, storage, or sale thereof. In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part may be disposed of in whatever manner the Town may provide. In all other respects, the provisions of §§ 46.2-1213 and 46.2-1217 shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the Town be carried out under either the provisions of § 46.2-1213, or under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Department against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty days.

§3-428. Notice to owner of vehicle taken into custody.

(a) The Town shall, within fifteen days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; and (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle and (ii) consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the foregoing provisions of this section. Notice by publication may contain multiple listings of abandoned motor vehicles. Any notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail. The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

§3-429. Sale of vehicle at public auction; disposition of proceeds.

If an abandoned motor vehicle is not reclaimed as provided for in § 46.2-1202, the Town or its authorized agent shall, notwithstanding the provisions of § 46.2-617, sell it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt at the auction, and shall be entitled to apply to and receive from the Department a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary; however, such demolisher shall provide the Department acceptable

documentation indicating that the vehicle has been demolished. From the proceeds of the sale of an abandoned motor vehicle the locality or its authorized agent shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to § 46.2-1202. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 90 days, and then be deposited into the treasury of the locality in which the abandoned motor vehicle was abandoned.

§3-430. Sale of personal property found in unattended or immobile or abandoned vehicles.

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semitrailer may be sold incident to the sale of the vehicle as authorized in this article.

§3-431. Disposition of unattended or immobile or abandoned vehicles.

Notwithstanding any other provisions of this article, any unattended or immobile or abandoned motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or Town on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the unattended or immobile or abandoned motor vehicle shall notify the Department on forms and in the manner prescribed by the Commissioner. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

§3-432. Certification of disposal; reimbursement of Town by Commissioner.

The Town shall certify on forms provided by the Department that an abandoned motor vehicle left on property within the Town has been disposed of as provided in the Code of Virginia or that an unattended or immobile motor vehicle has been removed from the vehicle owner's property and disposed of by the Town or its authorized agent for reimbursement of fifty dollars for each such motor vehicle disposed of at the expense of the Town as provided in the Code of Virginia.

§3-433. Inoperable Motor Vehicles - Definitions

As used in this article, the following words shall have the meanings herein ascribed to them, respectively. The masculine gender is used for convenience only; a word importing such gender may extend and be applied to females, and other persons, as well as males. Consistent with the context, words used in the singular contemplate and include the plural, and words used in the plural contemplate and include the singular.

“ADMINISTRATOR” shall mean the Zoning Administrator so designated by the Port Royal Town Council.

“COUNCIL” shall mean the governing body of the Town, the Port Royal Town Council.

“TOWN MANAGER ” shall mean the person so designated by the Port Royal Town Council.

“INOPERATIVE MOTOR VEHICLES” shall mean any one or more of the following: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and

wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

“MOTOR VEHICLE” shall mean every vehicle which is self-propelled or designed for self-propulsion and every vehicle drawn by or designed to be drawn by a motor vehicle and includes every device in, upon, or by which any person or property is or can be transported or drawn upon a highway, except devices moved by human or animal power and devices used exclusively upon stationary rails or tracks

“SHIELDED” OR “SCREENED FROM VIEW” means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located

“OWNER” shall mean any person having any individual, firm, co-partnership, cooperative, corporation, association, estate, trust, trustee in bankruptcy, receiver, club, society or other entity or combination acting as a unit.

§3-434. Storage and Exemptions.

It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in § 46.2-100, which is inoperative. The number of inoperative motor vehicles, trailers or semitrailers which any person may keep outside of a fully enclosed building or structure, but which are shielded or screened from view by fences, walls, or hedges shall be one (1).

§3-435. Failure to Comply and Removal by Town.

- A. In the event that any person, firm or corporation fails to comply with §3-434, the Town may designate a date by which the property owner shall remove or fully enclose within a building or structure any such motor vehicle, trailer or semi-trailer. Notice of the date specified shall be given by newspaper publication, certified mail or by delivery of written notice to the owner of the land on which such motor vehicle, trailer or semi-trailer is located. Upon failure of any property owner to remove or fully enclose such motor vehicle, trailer or semi-trailer in compliance with the notice, the Administrator shall have such motor vehicle, trailer, or semi-trailer removed at the expense of the property owner.
- B. Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

§3-436. Disposal by Town and Costs for Removal and Disposal.

In the event that the Zoning Administrator shall have any such motor vehicle, trailer or semi-trailer removed, he shall dispose of the same after giving notice to the owner thereof by newspaper publication, certified mail or by delivery of written notice to the owner of the motor vehicle, trailer or semi-trailer. The costs of any removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the Town as taxes and levies are collected. Every cost authorized by this section in which the owner of the premises has been assessed shall

constitute a lien against the property from which the vehicle was removed; the lien to continue until actual payment of such costs has been made to the Town.

§3-437. Civil Penalty

Violations of this ordinance shall be subject to a civil penalty under the Code of the Town of Port Royal.

Division 4 Vehicle License Tax

§3-438. Imposition of tax.

A tax, in the form of an annual license fee, is hereby imposed on every motor vehicle, trailer and semitrailer intended to be operated upon the streets, highways and roads within the Town of Port Royal, which is subject to the general requirements of annual registration licensing and the payment of fees therefore under the laws of the Commonwealth of Virginia and which is not by law prohibited to be taxed by Towns.

§3-439. License year.

The license year shall commence on April 1 of each year, beginning April 1, 2002, and shall expire at 11:59 p.m. on March 31 of the next succeeding year and each and every year thereafter.

§3-440. Applicability.

The taxes or fees hereby imposed shall be applicable to all motor vehicles, trailers or semitrailers normally garaged, stored or parked within the Town of Port Royal unless expressly excepted elsewhere in Chapter 4, Article IV, Division 4 or by state or federal law: provided, however, that for any vehicle which would otherwise become subject to the provisions of Chapter 4, Article IV, Division 4 after the first day of a license year and which bears a then currently valid decal or license issued by any other Town, city or county of this commonwealth, such taxes or fees shall not be required until such currently valid decal or license shall expire.

§3-441. License plate or decal required.

No motor vehicle, trailer or semitrailer subject to the tax imposed by Chapter 4, Article IV, Division 4 shall be operated on the highways, streets or roads within the Town of Port Royal or after the effective date of Chapter 4, Article IV, Division 4 unless a license plate or decal evidencing payment of the proper license fee for such vehicle for the current license year has been issued for such vehicle and is displayed thereon in accordance with Chapter 4, Article IV, Division 4, provided that if any vehicle becomes subject to the taxes and fees required by Chapter 4, Article IV, Division 4 after the first day of a license year, such vehicle may be operated without displaying a decal or license for up to 30 days after becoming subject to Chapter 4, Article IV, Division 4.

§3-442. Application.

The owner of a motor vehicle, trailer or semitrailer for which a license plate or decal is required shall make application therefore to the Clerk of the Town of Port Royal on a form to be prescribed by him and approved by the Town Council. The applicant shall submit with such application satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by the Town of Port Royal.

§3-443. Issuance; proof of entitlement.

Upon the filing of a properly executed application and submission of evidence as to the payment of personal property taxes as provided in the preceding section and the payment of the fee chargeable for the motor vehicle, trailer or semitrailer for which such application is made, the Treasurer shall issue the proper license plate or decal for such vehicle. The applicant bears the burden of proof that the vehicle for which a license or decal is sought is entitled by weight, design and use to be registered at the fee tendered by the applicant. All fees based upon the weight of a vehicle shall be computed upon the manufacturer's shipping weight or scale weight, as applicable.

§3-444. Display and attachment.

- A. The license plate or decal issued for a motor vehicle, trailer or semitrailer shall be displayed on said vehicle at all times during the current license year; provided, however, that a license plate or decal issued for a succeeding license year may be used without penalty on or after March 3 of the calendar year in which such license year begins.
- B. When a license plate is issued, the same shall be securely attached to the front of passenger cars, trucks or truck-tractors in such manner as to be clearly visible, and for all other vehicles the license plates shall be similarly attached to the rear of such other vehicles.
- C. When a decal is issued, the same shall be affixed to the front windshield of all vehicles having a front windshield at a position of not more than three inches in height from the base of such windshield and to the passenger side of such windshield. When no front windshield exists, such decal shall be affixed to the left side of the vehicle at the front and at a height of not more than five feet from the surface of the roadway.

§3-445. Duplicate license plate or decal.

A duplicate license plate or decal shall be issued to a person entitled thereto upon application to the Treasurer and payment to him of a fee of \$1 and submission of satisfactory evidence as to the destruction, mutilation or loss of the license plate or decal originally issued to the applicant.

§3-446. Fees.

The license fees or taxes imposed by Chapter 4, Article IV, Division 4 are as stated on Schedule A of this Code. as a part hereof and which is incorporated herein by reference except that only 1/2 of the annual fee prescribed by Chapter 4, Article IV, Division 4 and set forth in §3-462 shall be collected whenever any license plate or decal is issued during the period beginning October 1 in any license year and ending on January 3 of the same license year, and only 1/3 of such fee shall be collected whenever any license plate or decal for the current license year is issued between January 16 and the end of the same license year.

§3-447. Transferability.

Upon application to the Treasurer by a person to whom a license plate or decal has been issued and payment of a transfer fee of \$1, such license plate or decal may be transferred from the vehicle for which originally issued to another vehicle in the name of such owner, provided that if the vehicle to which the license plate or decal is to be transferred comes within a category upon which a higher tax is imposed than that of the vehicle from which the transfer is to be made, the person making application for the transfer shall pay the difference between the two tax rates to the Treasurer before making such transfer.

§3-448. Unauthorized transfer or use prohibited.

Except as provided in the preceding section, no person shall display a license plate or decal on any vehicle other than the vehicle for which such license plate or decal was originally issued, and no owner to whom a license plate or decal has been issued shall give, lend, rent, sell, assign or otherwise transfer such license plate or decal to any other person, and no person not entitled thereto shall display or otherwise use any such license plate or decal.

§3-449. Fictitious or altered plates or decals.

No person shall display or otherwise use any license plate or decal knowing the same to be fictitious or altered.

§3-450. Failure to display required license plate or decal; removal of expired license plate or decal; penalty.

- A. It shall be unlawful for the owner or operator of a motor vehicle, trailer or semitrailer to fail to obtain and display upon such motor vehicle, trailer or semitrailer any required license plate or decal of the Town of Port Royal or to display upon a motor vehicle, trailer or semitrailer any required license plate or decal of the Town of Port Royal after the expiration date of such license plate or decal. In the case of a motor vehicle, trailer or semitrailer registered to a resident of the Town of Port Royal, local law enforcement officers may issue citations, summonses, parking tickets or uniform traffic summonses for violations.
- B. Violation of this section shall be a misdemeanor, punishable by a fine of not less than \$100, not more than \$250.
- C. A violation of this section by the registered owner of the vehicle, trailer or semitrailer shall not be discharged by the payment of a fine except upon presentation of satisfactory evidence that the required license plate or decal has been obtained.

§3-451. Taxation by more than one jurisdiction.

No vehicle shall be subject to taxation in more than one jurisdiction.

§3-452. Exceptions.

- A. The taxes or fees hereby imposed shall not be applicable to any motor vehicle, trailer or semitrailer when:
- B. The motor vehicle, trailer or semitrailer is owned by a nonresident of the Town of Port Royal and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in §3-459(b).

- C. The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the Town of Port Royal for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him and not purchased by him for sale.
- D. The motor vehicle, trailer or semitrailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the Town of Port Royal and who uses the vehicle in the performance of his duties for the commonwealth under an agreement for such use.
- E. The motor vehicle, trailer or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration.
- F. The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and Towns in this state and not in intracity transportation or between cities and Towns on the one hand and points and places without cities and Towns on the other and not in intracity transportation.
- G. The motor vehicle is owned and used personally by a disabled veteran, and such vehicle bears special license plates issued in accordance with § 46.2-739, Code of Virginia 1950, as amended.
- H. The motor vehicle is owned by a person who has been a prisoner of war, and such vehicle bears special license plates issued in accordance with § 46.2-746, Code of Virginia 1950, as amended.
- I. The motor vehicle is owned by a person who has been awarded the Medal of Honor, and such vehicle bears special license plates issued in accordance with § 46.2-745, Code of Virginia 1950, as amended.
- J. The motor vehicle, trailer or semitrailer is owned by the Commonwealth of Virginia or counties, cities or Towns thereof and used purely for state, county and municipal purposes.
- K. The motor vehicle is owned and used for personal or official purposes by accredited consular or diplomatic officers of foreign governments who are nationals of the state by which they are appointed and their families and their employees who are not citizens of the United States.
- L. Member of volunteer fire department or volunteer rescue squad.
The motor vehicle is registered or leased to a member of a volunteer fire department or volunteer rescue squad organized to serve the residents of Caroline County and the member meets the following requirements:
 - 1. Must hold a valid driver's license.
 - 2. Must present satisfactory evidence of meeting the active status requirement for the respective department or squad of which he or she is a member.
 - 3. Who, on January 1 of the year the application for the exemption is requested, was 18 years of age and had one full calendar year of active service with a department or squad organized in Caroline County.
 - 4. Whose vehicle is the primary vehicle used by the member in response to emergency calls.
 - 5. Who is not delinquent in taxes due to the Town of Port Royal.
 - a. Only one decal will be issued free of charge.
 - 6. Former member of volunteer fire department or volunteer rescue squad.
 - a. The motor vehicle is registered or leased to a former member of a volunteer fire department or volunteer rescue squad organized to serve the residents of Caroline County and the member meets the following requirements:
 - 7. Must hold a valid driver's license.
 - a. Who presents satisfactory evidence of having had 10 years of active service with a department or squad organized to serve the residents of Caroline County.
 - b. Who is not delinquent in taxes due to the Town of Port Royal.
 - c. Only one decal will be issued free of charge.

§3-453. Violations and penalties.

It shall be unlawful for any person to violate any of the provisions of Chapter 4, Article IV, Division 4. Except as provided in §3-447, every person convicted of a violation of Chapter 4, Article IV, Division 4 shall be guilty of a Class 2 misdemeanor and shall be punished in accordance with the applicable provisions of § 18.2-11, Code of Virginia 1950, as amended. Each day upon which a violation of Chapter 4, Article IV, Division 4 continues shall be treated as a separate offense to be punished as a separate offense.

§3-454. Definitions.

A. As used in Chapter 4, Article IV, Division 4, the following terms shall have the meanings indicated:

“DECAL” - A device to be attached to a vehicle by adhesive as visible evidence that the proper taxes or fees as required by Chapter 4, Article IV, Division 4 have been paid.

“LICENSE PLATE” - A metal device containing letters, numerals or a combination of both, attached to a motor vehicle, trailer or semitrailer as visible evidence that the proper taxes or fees as required by Chapter 4, Article IV, Division 4 have been paid.

B. All other items, words and phrases, unless otherwise defined in Chapter 4, Article IV, Division 4, shall be defined in the same manner as set forth in Title 46.2, Code of Virginia 1950, as amended.

§3-455. Schedule of Fees

Description	Fee
Each private passenger car or motor home, provided that such passenger car or motor home is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Each private motor vehicle with a normal seating capacity of more than 10 adult persons, including the driver if such vehicle is not used for the transportation of passengers for compensation and is not operated under a lease without a chauffeur	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Each public or private school bus	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Each trailer or semitrailer designated for use as living quarters for human beings	\$23.00

Each motor vehicle, trailer or semitrailer used as a common carrier of passengers, operating either intrastate or interstate, unless licensed under § 46.2-694A6, Code of Virginia 1950, as amended	\$10.00 up to 2,000 pounds of vehicle weight; \$16.00 if vehicle weight exceeds 2,000 pounds but is not over 4,000 pounds; \$27.00 if vehicle weight exceeds 4,000 pounds
Each motor vehicle, trailer or semitrailer used as a common carrier of interstate passengers licensed under § 46.2-694A6, Code of Virginia 1950, as amended	An amount equal to the state registration fee or the amount set forth in the immediately preceding subsection, whichever is less
Each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers, except common carriers	\$10.00 up to 2,000 pounds of vehicle; \$26.00 if vehicle weight exceeds 2,000 pounds but is not over 4,000 pounds; \$47.00 if vehicle weight exceeds 4,000 pounds
Each taxicab or other vehicle kept for rent or hire, operated with a chauffeur for the transportation of passengers, which operates or should operate under permits issued by the State Corporation Commission as required by law, except common carriers	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Each motorcycle, with or without a sidecar	\$18.00
Each bus used exclusively for transportation to and from Sunday School or church, for the purpose of divine worship	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Other passenger carrying vehicles, each	\$10.00
Each pickup or panel truck	\$23.00 up to 4,000 pounds of vehicle weight; \$28.00 if vehicle weight exceeds 4,000 pounds
Each passenger vehicle, pickup truck or panel truck bearing special license plates issued to a member of the Virginia National Guard in accordance with § 46.2-744, Code of Virginia 1950, as amended	1/2 of the fee otherwise provided for herein
Each motor vehicle having gross weight of 7,500 pounds or more, registered for exclusive farm use	\$3.00
Each trailer, 1- or 2-wheel, of a cradle, flatbed or open pickup type, pulled or towed by a passenger car, pickup or panel truck having an	\$6.50

actual gross weight not exceeding 5,000 pounds, which trailer is not wider than such towing vehicle and designated to carry property not exceeding 1,500 pounds	
Each trailer designed exclusively to transport boats	\$6.50
Each motor vehicle, trailer or semitrailer upon which well drilling machinery is attached and which is used solely for transporting such machinery	\$3.00
Specialized mobile equipment, as defined in § 46.2-700, Code of Virginia 1950, as amended	\$3.00
Each vehicle or combination of vehicles not designed for transportation of passengers except as otherwise herein provided	\$22.00 if gross weight exceeds
Trailer or semitrailer	\$17.00 up to 4,000 pounds gross weight
Truck or tractor	\$10.00 up to 10,000 pounds of vehicle and trailer or semitrailer weight combined \$41.00 if combined gross weight exceeds 10,000 pounds

CHAPTER 4 BUILDINGS

ARTICLE I. - IN GENERAL

§ 4-100. - Violations and penalties.

Any person guilty of a violation of the provisions of this chapter or of the Uniform Statewide Building Code shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a second offense committed within less than five (5) years after a first offense shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense of this chapter shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a third or subsequent offense committed within ten (10) years of an offense under this chapter shall be punished by a fine of not less than one thousand five hundred dollars (\$1,500.00) nor more than two thousand five hundred dollars (\$2,500.00).

State Law reference— Violations of Virginia Uniform Statewide Building Code, Code of Virginia, § 36-106.

§ 4-101. - Building official.

Pursuant to Virginia Code section 36-105 the Town of Port Royal does not elect to administer and enforce the Building Code. Caroline County Building Official shall administer and enforce the Building Code.

State Law reference— Power of town to enter into agreement for building code enforcement and appeals, Code of Virginia, § 36-105.

§ 4-102. - Board of appeals.

- A. There is hereby established a board of building code appeals.
- B. The owner of a building or structure or any other person may appeal from a decision of the building official refusing to grant a modification of the provisions of the Uniform Basic Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the board of building code appeals. Application for appeals may be made when it is claimed that the true intent of the basic code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the basic code do not fully apply, or an equally good or better form of construction can be used.
- C. The board of appeals shall be appointed and function in conformance with the provisions of the Uniform Statewide Building Code.

ARTICLE II. - BUILDING CODE GENERALLY

§ 4-200. - Definitions.

The following words and phrases when used in the building code adopted in section 4-17 shall have the meanings respectively ascribed to them in this section:

Building department or building inspection department. The office of the building official.

Building official. The building official or his designated representative.

Municipality or name of municipality. Whenever the words "municipality" or "name of municipality" are enclosed within brackets or parentheses or otherwise used in the building code adopted in section 4-17, they shall be held to mean the Town of Port Royal.

State or name of state. Wherever the words "state" or "name of state" are enclosed in brackets or parentheses or otherwise used in the building code adopted in section 4-17, they shall be held to mean the State of Virginia.

State Law reference— Definitions applicable to building code statute, Code of Virginia, § 36-97.

§ 4-201. - Uniform Statewide Building Code adopted.

The provisions of the Virginia Uniform Statewide Building Code, 2000 edition, effective September 3, 2000, together with all model codes and statutes as referenced and adopted therein including, but not limited to, the BOCA National Building Code, 1996 edition, adopted and incorporated in whole as if fully set out at length herein, save and except such portions as are deleted, modified or amended by this article are hereby adopted by reference. The Virginia Uniform Statewide Building Code shall control all matters concerning the design, construction, alteration, addition, enlargement, repair, removal, demolition, conversion, use, location, occupancy and maintenance of buildings, and all other functions which pertain to the installation of systems vital to buildings and structures and their service equipment as defined by the building code, and shall apply to buildings or other structures within the town.

State Law reference— Provisions of Uniform Statewide Building Code, Code of Virginia § 36-99.

§ 4-202. - Expansive soil testing.

Building permits shall not be issued for residential construction for properties located in an expansive soil zone, or located within one hundred fifty (30) feet thereof, as the same is delineated on the county soils maps, until the owner shall file with the building official a report, prepared by a licensed engineer, identifying soil types located in the vicinity of the proposed building foundation. Should the report demonstrate expansive soils are present, a remediation plan must be approved by the building official prior to issuance of a building permit.

State Law reference— Similar provisions, Code of Virginia § 3.2-2241.

§s. 4-203—4-205. - Reserved.

ARTICLE III. - BUILDING MAINTENANCE CODE

§ 4-300. - Adoption.

Volume II, Building Maintenance Code of the Virginia Uniform Statewide Building Code, 1993 edition, effective April 1, 1994, is hereby adopted by reference, including but not limited to, The BOCA National Property Maintenance Code/1993 edition amended by sections 101.2 and 101.3 and adopted therein for the purpose of ensuring public safety, health and welfare through proper building maintenance and use and continued compliance with minimum standards, including the elimination of conditions that render buildings unsafe and thereby constituted serious and dangerous to life and health or to public welfare.

§ 4-301. - Code official.

Pursuant to section 36-105 of the Code of Virginia, 1950, as amended, the Town of Port Royal does not elect to administer and enforce the Building Code, recognizing that Caroline County shall administer and enforce the Building Code.

§ 4-302. - Appeals.

The building code board of appeals for the town is hereby designated as the appeals board to hear appeals arising from the code official's application of the Building Maintenance Code or refusal to grant a modification to the provisions of the Building Maintenance Code covering the manner of maintenance or use or the materials to be used in the maintenance or repair of that building or structure.

§s. 4-303—4-306. - Reserved.

ARTICLE IV. - UNSAFE BUILDINGS

§ 4-400. - When examination required.

Whenever the town manager or his duly appointed designee shall be informed that any building or structure or part thereof in the town is dangerous or unsafe, by reason of dilapidation or otherwise, to the occupants or to persons passing in the vicinity thereof or to adjoining property, he shall cause to be made an examination of such building or structure.

§ 4-401. - Notice to owner, etc., to show cause as to removal.

- A. If upon examination as provided in section 4-61, it shall appear that the building or structure in question, or part thereof, is in such condition as is indicated in section 4-61, the town manager or his duly appointed designee shall issue a notice to the owner of the property or to his agent, if he is a nonresident, or to his guardian or other legal representative, as the case may be, requiring him to appear at the town planning and

zoning office at a specified time, to show cause why such building or structure should not be removed or put in a safe condition.

- B. The notice provided for in subsection (a) of this section shall be served personally if possible but if the person upon whom personal service is to be made cannot be found in the town, such notice shall be sent by certified mail to the last known post office address of such person and proof thereof shall be taken and accepted in lieu of personal service.

§ 4-402. - Order to remove or repair.

If after hearing the case, pursuant to notice as provided in section 4-62 it shall appear that a building or structure, or part thereof, is in such condition as is indicated in section 4-61, the town manager or his duly appointed designee shall issue an order directing the owner or his agent or legal representative, within a specified time, to remove such building or structure or part thereof or to put such building or structure or part thereof in safe condition.

§ 4-403. - Procedure in event of noncompliance.

If the building or structure or part thereof in question is not removed or put in a safe condition within the time specified in the order provided for in section 4-63, the town attorney shall cause a summons to be issued by the judge of the general district court, directing the owner or his agent or legal representative failing to comply with the order in question to appear before the general district court to show cause why the building or structure or part thereof in question should not be removed or put in a safe condition, at the expense of the owner.

§ 4-404. - Court order to comply.

If, at a hearing before the general district court, held pursuant to a summons issued as provided in section 4-64, no sufficient cause be shown for failure to comply with the order in question, the owner of the building or structure or part thereof in question shall be guilty of a violation of this article for each day his failure to comply with such order has continued, and the general district court shall require such building or structure or part thereof in question to be removed or put in a safe condition at the expense of the owner thereof.

§ 4-405. - Removal, etc. by town manager.

If the requirement of the general district court relative to the removal or putting in a safe condition of a building or structure or part thereof authorized by section 4-65, is not properly complied with, the town manager or his duly appointed designee shall have the building or structure or part thereof, in question removed or put in a safe condition and the costs thereof shall be a lien upon the real estate of the owner and may be collected as taxes or other claims due the town are collected. A suit in chancery may be brought in the circuit court of the county for the purpose of subjecting the property to the payment of such debt.

CHAPTER 5 GARBAGE, TRASH AND WEEDS

ARTICLE I. - IN GENERAL

§ 5-100. - Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Garbage. All wastes to be disposed of from the preparation, cooking and serving of food, vegetables, fruit and meat scraps from residences, hotels, restaurants and other places where food is prepared for human consumption, and all offal from fish, meat and vegetable markets, and all vegetable or organic substances unfit for food that are subject to immediate decay.

Trash. All rubbish, refuse, shrubbery cuttings, leaves, cans, bottles, boxes, paper and other similar materials. "Trash" as defined in this section shall not include batteries, tires, household furniture and appliances, or any automotive parts or equipment.

State Law reference— Definitions applicable to Virginia Waste Management Act, Code of Virginia, § 10-264.

§ 5-101. - Depositing, etc., garbage, etc., in public places.

It shall be unlawful for any person to throw or deposit on any street or public place of the town or the premises of any other person any garbage, rubbish, dirt, filth, shavings, manure, offal, ashes or any other article or substance calculated to render streets, public places or premises unsightly or to affect injuriously the health of the community.

State Law reference— Litter control and recycling, Code of Virginia, § 10-277 et seq.

ARTICLE II. - CONDITION OF PREMISES

State Law reference— Noxious Weed Law, Code of Virginia, § 3.1-296.11 et seq.; removal of trash, garbage, weeds, etc. from property, Code of Virginia, section 3.1-11; authority of town council to control Johnson grass and multiflora rose, Code of Virginia, § 3.1-28.4; weeds and plants on highway rights-of-way, Code of Virginia, § 33.1-209.

§ 5-200. - Duty of owners, etc.

It shall be the duty of every owner or other person in charge of premises within the town to keep such premises in a sanitary condition.

§ 5-201. - Notice to remove trash, garbage, etc.

Whenever the owner of any property permits trash, garbage, litter and other substances which might endanger the health or safety of other residents of the town and town manager deems it necessary, the owner of such property shall be notified in writing to remove such garbage,

refuse, litter and other substances on such property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may, in his discretion, have such trash, garbage, litter and other substances in question removed by the agents or employees of the town and the cost and expense thereof shall be chargeable to and paid by the owner of such property. If the cost and expenses are not paid by the owner, the amount shall be assessed against the owner and such assessment shall become a lien upon the property as in the case of taxes and levies and shall be collected as real estate taxes are collected.

§ 5-202. - Notice to cut weeds.

Whenever any vacant property in the town is permitted to become unsightly by being overgrown with grass, weeds or other foreign growth, and the town manager deems it necessary, the owner thereof shall be notified in writing to cut the grass, weeds and other foreign growth on such vacant property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may, in his discretion, have such grass, weeds and other foreign growth on the vacant property in question cut by the agents or employees of the town and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. If such cost and expenses are not paid by such owner, the amount shall be assessed against the owner and such assessment shall become a lien upon the vacant property as in the case of real estate taxes and shall be collected as real estate taxes are collected.

§ 5-203. - Service of notice.

The notices provided for in this article shall be served personally, if possible, but if the person upon whom personal service is to be made cannot be found in the town, such notice shall be sent, by certified mail, to the last known post office address of such person and proof thereof shall be taken and accepted in lieu of personal service.

CHAPTER - 6 RESERVED

CHAPTER - 7 RESERVED

CHAPTER 8 NOISE

Article 1. Noise Control

§ 8.100 Short Title; Scope

This chapter may be cited as the "Noise Control Ordinance of the Town of Port Royal." It shall be applicable to the control of noises originating within the town limits.

§ 8.101 Declaration of Findings and Policy

The town council hereby finds and declares that excessive sound is a serious hazard to the public health, welfare, peace and safety, and quality of life; that a substantial body of science and technology exists by which excessive sound may be substantially abated; that the people have a right to and should be ensured an environment free from excessive sound that may jeopardize the public health, welfare, peace and safety or degrade the quality of life; and that it is the policy of the town to prevent such excessive sound.

§ 8.102 Definitions

The following terms, when used in this chapter, shall have the meanings hereinafter ascribed to them, unless otherwise clearly indicated by the context:

A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

DECIBEL (DB): A unit for measuring the volume of a sound equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

DEVICE: Any mechanism which is intended to or which actually produces noise when operated or handled.

EMERGENCY: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

EMERGENCY WORK: Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from immediate exposure to danger, including work performed by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

GROSS VEHICLE WEIGHT RATING (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailer and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE: Any vehicle for which regulations apply pursuant to section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

MOTOR VEHICLE: Every vehicle as herein defined which is self-propelled or designed for self-propulsion except any device defined as a bicycle in section 46.1, et seq., of the Code of Virginia shall not be deemed to be a motor vehicle.

MOTORBIKE: Every device designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower but which is not a motor vehicle as herein defined in that it is not required to be licensed by the state and is not operated on a highway. The term "motorbike" shall be deemed to include but not be limited to devices commonly referred to as "trail bikes," "minibikes," or "motorbikes," but shall not include any vehicle which may be included within the term "farm tractor."

MOTORCYCLE: Every motor vehicle designed to travel on not more than three (3) wheels in contact with the ground and any four-wheeled vehicle weighing less than five hundred (500) pounds and equipped with an engine of less than six (6) horsepower, except any such vehicle as may be included within the term "farm tractor."

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE: Any unreasonable loud or disturbing noise.

NOISE SOURCE: Any equipment, motor vehicle, motorcycle or facility, fixed or movable, capable of emitting sound beyond the property boundary of the property on which the equipment is used, but not including, motor vehicles or motorcycles operated on public rights-of-way.

PERSON: Any individual, corporation, cooperative partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent of agency thereof.

PROPERTY BOUNDARY: An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

PUBLIC RIGHT-OF-WAY: Any street, avenue, boulevard, highway, alley or public space which is owned or controlled by a public governmental entity.

RESIDENTIAL ZONE: Any location within an R-1 and R-2.

SOUND: An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL: The weighted sound pressure level obtained by the use of a sound level meter and the A-frequency weighting network, as specified in American National Standards Institute specifications for sound level meters.

SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon

stationary rails or tracks and except any device defined as a bicycle in section 46.1 et seq., of the Code of Virginia.

ZONING DISTRICT CLASSIFICATION: The scheme of land use classification contained in the town zoning ordinance.

§ 8.103 Administration and Enforcement

The noise control program established by this chapter shall be enforced and administered by the Sheriff's Office of Caroline County.

§ 8.103.1 General Prohibition

It shall be unlawful for any person to make, continue to make or cause to be made or continued a noise disturbance within the town.

§ 8.1-104 Testing of Metering Devices

In order to implement and enforce this chapter effectively, the Sheriff's Department shall, within a reasonable time after the effective date of the chapter, develop and promulgate standards and procedures for testing and validating sound level meters used in enforcement of this chapter.

§ 8.104.1 Specific Acts as Noise Disturbances

The following acts are declared to be noise disturbances in violation of this chapter, provided that the acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under ATC section 10.1-4.1 and provided that the acts so specified below may still constitute a noise disturbance under ATC section 10.1-4.1 independently of the hours of day such acts take place:

1. Operating or causing to be operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, in the outdoors between the hours of 9:00 p.m. and 7:00 a.m. the following day.
2. Repairing, rebuilding or modifying any motor vehicle or other mechanical device in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day.
3. The collection of trash or refuse in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day. The collection of trash or refuse within two hundred (200) feet of residential areas between the hours of 9:00 p.m. and 6:00 a.m. the following day.
4. Loading or unloading trucks in the outdoors within one hundred (100) yards of a residence between the hours of 9:00 p.m. and 6:00 a.m. the following day.
5. Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
6. Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound, between the hours of 11:00 p.m. and 7:00 a.m. the following day, in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet from such device.
7. Owning, keeping, possessing or harboring any animal which frequently or habitually howls, barks, meows, squawks or makes such other noise as is plainly audible across property boundaries or through partitions common to two (2) residences with a building.
8. Operating or permitting the operation of any radio, tape player, compact disc player or other device used for the production of sound on a public right-of-way or in a public place

in such a way that the sound is plainly audible at a distance of fifty (50) feet from such device, whether or not the device is situated within a motor vehicle.

§ 8.104.2 Operation of Sound-Producing Devices in Places of Public Entertainment or Assembly

It shall be unlawful for any person outside an enclosed structure to operate, or permit to be operated, any loudspeaker or other device for the production of sound in any place of public entertainment or other place of public assembly which produces sound pressure levels of ninety (90) dB(A) or greater at any point that is normally occupied by a person, unless conspicuous and legible signs are located outside such place, near the entrance, stating: "WARNING, EXPOSURE TO SOUND ENVIRONMENT WITHIN MAY CAUSE HEARING IMPAIRMENT."

§ 8.104.3 Noise in Quiet Zones

1. It shall be unlawful for any person to create any noise in excess of that prescribed within any area designated as a "quiet zone" in conformance with the provisions of subsection (b) of this section, provided conspicuous signs are displayed in adjacent or contiguous streets indicating that such area is a quiet zone.
2. Whenever the protection of the public health, safety and welfare so require, after a duly advertised public hearing, the town council may designate any geographical area of the town as a "quiet zone." Such designation shall include a description of the subject area, the reasons for its designation as a quiet zone and shall prescribe the level of noise which shall be permitted in such quiet zone.

§ 8.105 Maximum Permissible Sound Pressure Levels from Noise Sources

It shall be unlawful for any person to operate, or permit to be operated, any noise source in such a manner as to create a sound pressure level which exceeds the limits set forth in the table below, when measured at the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

Sound Level Limit dBA

	7:00 a.m.- 10:00 p.m.	10:00 p.m.- 7:00 a.m.
Residential and quiet zone: Zones R-1, R-2,	57	52
Commercial: Zones B-1	67	62
Industrial: Zone M-1	77	77

Source	To 35 mph	Above 35 mph
Motorcycle	80dBA	84dBA
Mobile sources with a gross weight less than 10,000 pounds	70dBA	79dBA
Mobile sources with a gross weight more than 10,000 pounds	86Dba	90dBA

§s 8.106 thru 8.108 Reserved

§ 8.1-9 Emergency Exception

The provisions of this chapter shall not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency; or
2. The emission of sound in the performance of emergency work.

§ 8.1-9.1 Other Exceptions

1. Where an individual or entity anticipates that a particular project or event may generate noise in violation of this chapter, an exception request may be made, in writing, to the town manager on a form to be supplied by the town manager. Exception requests must be submitted to the town manager at least twenty-one (21) days prior to the beginning of the particular project or event. In granting such exception requests, the town manager will evaluate the anticipated duration of the project or event, the necessity for the project or event, and whether the project or event benefits the town as a whole. If an exception request is granted, the applicant shall be responsible for notifying all businesses and neighbors within 500 feet of the project or event at least five (5) days before the project or event, and shall be responsible for any and all costs associated with such notice.
2. The public shall be notified via the media.
3. In the event that an exception request is denied by the town manager, the applicant may, within five (5) days request review of the denial by the town council and the town council shall have the authority to overturn the decision of the town manager.

§ 8.1-10 Penalties

1. Any person convicted of a violation of any provision of this chapter shall be punished by a fine not exceeding one thousand dollars (\$1,000.00).
2. Each day of violation of any provision of this chapter shall constitute a separate offense.

CHAPTER 9 – OPEN BURNING

Article 1 - Purpose.

The purpose of this article is to protect public health, safety, and welfare by regulating open burning within the Town of Port Royal to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

Article 2 - Definitions.

For the purpose of this article and subsequent amendments or any orders issued by the Town of Port Royal, the words or phrases shall have the meaning given them in this section.

"BUILT-UP AREA" means any area with a substantial portion covered by industrial, commercial or residential buildings.

"CLEAN BURNING WASTE" means waste-that is not prohibited to be burned under this ordinance and that consists only of:

1. 100% wood waste,
2. 100% clean lumber or clean wood,
3. 100% Yard waste, or
4. 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

"CLEAN LUMBER" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

"CLEAN WOOD" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, by-products of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

"CONSTRUCTION WASTE" means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

"DEBRIS WASTE" means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

"DEMOLITION WASTE" means that solid waste which is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

"GARBAGE" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"HAZARDOUS WASTE" means a "hazardous waste" as described in 9 VAC 20-60, Hazardous Waste Management Regulations.

"HOUSEHOLD WASTE" means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (seepage) which is regulated by state agencies.

"INDUSTRIAL WASTE" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"JUNK" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

"Open burning" means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
3. Control of the combustion products' emission.

"OPEN PIT INCINERATOR" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

"REFUSE" means all solid waste products having the characteristics of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination or other discarded materials.

"SALVAGE OPERATION" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums.

"SMOKE" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

"SPECIAL INCINERATION DEVICE" means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

"WOOD WASTE" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes.
3. Clean lumber.

"YARD WASTE" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

§9.100 Prohibitions on open burning.

- A. No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of refuse except as provided in this ordinance.
- B. No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.
- C. No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
- D. No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.
- E. Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and-orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard, special attention should be directed to § 10.1-1142 of the Forest Fire Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.
- F. Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in 9 VAC 5 Chapter 70 (9 VAC 5-70) or when deemed advisable by the State Air

Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

- G. Exemptions. The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:
1. Open burning for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house firefighting personnel;
 2. Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
 3. Open burning for forest management and agriculture practices approved by the State Air Pollution Control Board; and

§9.101 Permissible open burning.

- A. Open burning is permitted on-site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property, provided that the conditions are met:
- B. The burning takes place on the premises of the private property; (and)
- C. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and
- D. No regularly scheduled public or private collection service for such trimmings is available at the adjacent street or public road.
 - a. Open burning is permitted on-site for the-destruction of household waste by homeowners or tenants, provided that the following conditions are met:
- E. The burning takes place on the premises of the dwelling;
- F. Animal carcasses or animal wastes are not burned;
- G. Garbage is not burned;
- H. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and
- I. No regularly scheduled public or private collection service for such refuse is available at the adjacent street or public road.
 - a. Open burning is permitted on-site for destruction of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, or from any other clearing operations that may be approved by Town Manager, provided the following conditions are met:

1. All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Town Manager;
2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
3. The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
4. The burning shall be conducted at the greatest distance practicable from highways and air fields,
5. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
6. The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
7. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

Article 3 - Permits.

- A. When open burning of debris waste, the person responsible for the burning shall obtain a permit from Town Manager prior to the burning. Such a permit may be granted only after confirmation by Town Manager that the burning can and will comply with the provisions of this ordinance and any other conditions that are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by Town Manager.
- B. Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from Town Manager, such permits to be granted only after confirmation by Town Manager that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met that are deemed necessary by Town Manager to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:
 1. All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, saw-logs and firewood.
 2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material.
 3. The burning shall be at least 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the

property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the Town Manager determines that it is necessary to protect public health and welfare, he (she) may direct that any of the above cited distances be increased.

4. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials.
5. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
6. The use of special incineration devices shall be allowed only for the destruction of debris waste, clean burning construction waste, and clean burning demolition waste.
7. Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by the Town Manager.

- C. An application for a permit shall be accompanied by a processing fee of \$400.00, and shall be for a period of time not to exceed three days.

§9.102 Liability for Causing Damage by Fire.

- A. Any forest fire, brush fire, or other fire which originates as a result of the violation by any person of any provisions of this ordinance, and requires the intervention of the commonwealth or the Town of Port Royal or both to suppress such a fire, such person shall, in addition to any other penalty imposed for such violation, be liable to the commonwealth and to the Town of Port Royal for the full amount of all expenses incurred by the commonwealth and the Town of Port Royal, respectively, in suppressing such fire.
- B. Amounts to be recovered may be brought by the state forester in the name of the commonwealth on behalf of the commonwealth and by the Town Council or Mayor on behalf of the Town of Port Royal.

§9.103 - Penalties for violation.

- A. Any violation of this ordinance is punishable as a Class 3 misdemeanor. Pursuant to the Code of Virginia, § 3.2-1429.
- B. Each separate incident may be considered a new violation.

CHAPTERS 10-12 RESERVED

CHAPTER 13 – PUBLIC FACILITIES

ARTICLE I. General Provisions Water

§13.100. Purpose.

Establishment of operating policies used for the purpose of promoting the health, safety or general welfare of the public by constructing, maintaining and operating water facilities within the boundaries of the Town of Port Royal.

§13.101. Definitions.

For the purpose of this ordinance, the following words and terms shall have the meanings respectively ascribed to them by this section:

ACCOUNT SERVICES FEE - The amount assessed to defray administrative expenses related to establishing a new account or transfer thereof as set forth in the Schedule.

AGENT - The operating manager who is appointed by the Council and licensed by the Commonwealth of Virginia to assume daily supervision and inspection of Town facilities.

ALLOCATION - The rights to connect to public water service lines owned by the Town.

APPLICANT - Any corporation, individual, association, society or group who or which makes application for the establishment of a new or the extension of an existing water system.

AVAILABILITY CHARGE - The fee paid by prospective customers for the right to connect water service to existing main.

COUNCIL - The Town Council, the governing body of Port Royal Town, Virginia.

BUILDING INSPECTOR - That person representing the Town's Building Department who is responsible for all plumbing inspections of any establishment served by the Town system.

CAMPSITE - The space designated for one individual camping unit.

CONNECTION - A tap into the water main for the purpose of supplying water to a potential user.

CONNECTION FEE - A charge payable to the Town for connecting to a public water system.

CONNECTOR - The person connected to a public water system for the purpose of receiving public water.

DESIGN STANDARDS AND SPECIFICATIONS - The latest edition of the Standards and Specifications for Design and Construction of Water Systems for Port Royal,

Virginia, the same to be recommended by the Manager and approved by the Town Council.

DEVELOPER - An owner of property being subdivided.

ENFORCEMENT AGENT – The Manager of the Town's system or any person designated by the Town Council.

ENGINEER - A professional engineer licensed by the Commonwealth of Virginia.

EXISTING STRUCTURES - Those completed on or before the date that water service is made available to the Town.

EXTENSION - The construction of a part or parts of a water system to be dedicated to the Town.

FACILITIES OF THE TOWN - Any and all component and pertinent parts of the entire water system under jurisdiction of the Town, such as pipelines and their appurtenances, pumping stations, including these items and others now constructed, installed, operated or maintained by the Town, or any which may be approved and accepted in the future as additions or extensions of the system.

MANAGER - The individual duly appointed by the Council to assume general administrative responsibilities for the water system.

MULTIFAMILY UNIT - Two or more single-family units included in one structure.

PERSON - Any individual, firm, corporation, association, society or group.

PUBLIC WATER SYSTEM - A water system owned and operated by the Town.

SCHEDULE - The Schedule of Fees and Levies for Utilities set forth in this Code.

SINGLE-FAMILY RESIDENTIAL UNIT - A group of rooms, including cooking accommodations, occupied exclusively by one or more persons living as a single housekeeping unit.

SOURCE - The origin of water for a new water system or extension of an existing water system.

WATER MAIN - A conduit used for the purpose of conveying water from a source to a point where an individual user may make a connection for service or to a dead-end waterline.

WATER REGULATIONS - The Virginia Waterworks Regulations, as promulgated by the State Health Department, Bureau of Water Supply Engineering, dated June 1977, or the current amended revision thereof.

WATER SYSTEM - Collectively, well lots, wells or other sources, pumping stations, treatment plants, water mains, storage facilities, valves, fire hydrants and all other appurtenances, except the private individual waterlines from the property side of the

water meter to its destination, when a meter is not present, such lines being the property and responsibility of the water user.

§13.102. Management and control of system.

The Town Manager shall have the general management and control of the public water system and the properties appertaining thereto. The Town may contract for the management for the public water system.

§13.103. Public system required for certain subdivisions.

Editor's Note: As to Code of Virginia provisions regarding the authority of the Town to regulate water facilities in subdivisions, see § 3.1-299.

- A. Any subdivision located within a primary growth area as designated by the Town's Comprehensive Plan and located within an R-1 Zoning District or any R, B or M Zoning District shall provide a central water system which conforms to the requirements of the Town Water Ordinance. Such central water system, upon completion and approval by the agent, shall be dedicated to the Town to be operated as a part of its public utility system.
- B. Any subdivision located outside of a primary growth area as designated by the Town's Comprehensive Plan and located in any R-1, R-2, R-3 or greater Zoning District shall provide a central water system which conforms to the applicable requirements of the Town and federal governments. Subject to the approval of the Council, any central water system developed as part of an approved subdivision located outside a primary growth area and which conforms to the requirements of the Town Water Ordinance may be dedicated to the Town to be operated as a part of its public utility system.
- C. Where a subdivision located within a primary growth area can be served by the extension of an existing privately owned central water system, such extension may be made in satisfaction of this requirement, provided that if such private system is acquired by the Town at a later date no charge may be assessed against the Town for the improvements made as part of such extension. Whenever the requirement for provision of a public water system is to be satisfied by this subsection, a contract between the owner of the private central water system and the Town shall be executed prior to final approval of the subdivision plan by the agent. Such contract shall assure the future ability of the Town to acquire the improvements made as a part of the extension without cost.

§13.104. Connection required.

- A. Every occupied building located within the Town where the public water system is at the property line and no more distant than 400 feet from such occupied building shall be connected with such system. The owner or tenant occupying such building shall use the public system for water consumed or used in and about the premises on which such building is located, to the exclusion of all other sources.
- B. This section shall not apply to occupied buildings utilizing private water systems on December 1, 1987; provided, however, that should it become necessary for the occupant

to replace, modify or alter, in any manner, a water source, such occupant shall connect to the public water system.

- C. A violation of this section shall constitute a Class 1 misdemeanor.

§13.105. Responsibility to install service connection pipe and meter.

The installation of the service connection pipe and meter from the main to the property line, where such connection is made to a water system operated by the Town, shall be the responsibility of the applicant and made upon written application for service and payment of the applicable connection fees provided for in Article IV of this chapter, subject to the provisions of this Ordinance.

§13.106. Irrigation meters.

- A. At the request of any person, a separate water meter may be supplied for the purpose of recording water consumed and not returned to the Town's sewer system. This irrigation meter shall be paid for by the person and supplied by the Town. The charge for such meter shall be cost plus 3%. It shall be the person's responsibility to protect such meter from theft, freezing and any other damage that may render such meter unsuitable, as determined by the Town. The Town shall be responsible for maintenance of the meter.
- B. It shall be unlawful and a Class 1 misdemeanor for any person to use an Irrigation meter in such a manner as to provide inaccurate meter readings which are not representative of water consumed on the consumer's property.

§13.107. Injury to equipment.

It shall be unlawful for any person to deface, damage or remove any house, well, pipe, valve, meter, wheel, fire hydrant or other fixture connected with or pertaining to the Town waterworks or place any building material, rubbish or any other matter on the stopcock valve of a street main or service pipe or obstruct access to any fixture connected with the waterworks.

§13.108. Waste or unlawful use.

It shall be unlawful and a Class 1 misdemeanor for any person to open any valve, fire hydrant or other fixture belonging to the Town waterworks so as to waste the water or to use the water for a purpose for which he has neither paid nor obtained a license.

§13.109. Emergency restrictions.

- A. The Council may declare emergencies in the Town affecting the use of water in any area of the Town during any period in which there is a water shortage and may control and restrict the use of water during an emergency in the Town caused by a water shortage or other cause.
- B. In declaring an emergency under this section, the Council shall immediately post a written notice of the emergency at the front door of the Courthouse and at three

prominent places in the area of the Town in which such emergency is declared. In addition, thereto, the Council shall run an item in a newspaper of general circulation in the area in which such emergency has been declared.

- C. It shall be unlawful and a Class 1 misdemeanor for any person whose water supply is furnished from the Town water system, during any declared emergency, to water or sprinkle lawns and gardens or to use water at the home or place of business for any purpose not reasonably essential to health or proper operation of such home or business during such emergency period.

ARTICLE II. WATER SYSTEM EXTENSIONS

§13.200. Purpose.

The Town Council of Port Royal may permit a developer to extend the public water system at the developer's sole expense. Rebates for such expense may be paid from funds accruing as a result of subsequent connections to such extensions. All such extensions shall be made pursuant to a contract between the developer and the Town. All contractors installing such facilities shall be approved by the Town. The Town shall approve all plans and specifications prior to construction.

§13.201. Design, installation and construction standards; source requirements.

- A. The design, installation and construction of all extensions pursuant to this article shall comply with the Water Regulations and Standards and Specifications for Design and Construction of Water Systems for Port Royal, Virginia.
- B. Sources shall be capable of furnishing the needs of the development proposed to be served thereby and shall be approved by the Manager. The suitability of the source for connections in addition to those of the proposed subdivision shall be determined by the Manager.

§13.202. Payment by developer for larger main.

The Developer shall pay the difference in cost between an eight-inch main and a larger size main installed in making an extension under this article, if deemed necessary by the Town to meet future water needs in a given area.

§13.203. Plans.

A developer's plans for the extension of the public water system shall detail the source of water supply, the number, nature and location of connections proposed to be served, the location and capacity of pumping stations, treatment plants and storage facilities and the size, material and extent of the proposed water distribution facilities, including mains, valves, fire hydrants and other appurtenances, together with such other pertinent information as the Manager may require in conformance with Standards and Specifications for Design and Construction of Water

Systems in Port Royal, Virginia. Two complete sets of as-built plans and one set of reproducible prints shall be furnished to the Manager prior to acceptance of any system by the Town.

§13.204. Application fees.

At the time of filing plans for the extension of the public water system, the developer shall pay a fee of \$35. In addition, thereto, there shall be paid a charge of \$5 for the first 100 feet of water main and \$1 for each additional 100 feet of water main, or fraction thereof, and a charge of \$2 for each fire hydrant and \$10 for each pump or well house. Such fees and charges shall be accounted for by the Manager and, when collected, shall be deposited in the appropriate utilities account.

§13.205. Inspection fee.

Contracts between the Town and a developer for the extension of the public water system shall provide, among other things, for an inspection fee of 2% of the final actual cost, being based upon final actual construction cost. The estimate amount of such fee shall be deposited with the Town at the time the contract is executed. The Manager shall set the fee.

§13.206. Deed to well lots.

When plans and specifications are filed pursuant to this article, there shall also be filed a deed, executed by the developer and such other parties as are necessary to convey good, unencumbered title, conveying to the Town the well lots, if any, denoted on the subdivision plat. The delivery and acceptance of such deed shall not be complete until all the requirements of this Ordinance have been completed and the Manager has certified, in writing, such fact. The fee simple deed shall be made to the Town of Port Royal and final location shall be determined by the Town. The lot shall extend 50 feet in all directions from the well.

§13.207. Reservation of source's excess capacity.

Where the developer making an extension under this article furnishes the source and the source has a quantity of water in excess of the needs as proposed by his subdivision, the developer may reserve the excess capacity for future development by the same developer by paying to the Town an annual reservation fee. Such fee shall be based upon the number of excess connections, calculated by the Manager at the date of acceptance of the water system, multiplied by \$5. If the property is not developed to the extent that the water system is under construction within five years, then the excess water may be used by the Town at its discretion.

ARTICLE III. CONNECTION AND AVAILABILITY FEES

§13.300. Service provided by Town.

- A. Where the Town furnishes the public water system and the source and standard three-quarter-inch pipe and a three-quarter-inch meter are provided, connection and availability fees shall be as set forth in the Schedule.

- B. For connections requested by the applicant that require a larger than the standard three-quarter-inch meter and three-quarter-inch service line, connection and availability fees will be as set forth in the Schedule.
- C. Nothing in this section shall prohibit the installation of a single meter of sufficient size to serve multifamily dwellings, multi-business offices or multi-public units housed within one building; provided, however, that the applicable fees provided for in this section shall apply.

§13.301. Payment.

The connection fees prescribed by this article shall be paid at the time of application for service; provided, however, that persons entitled to a reduction in water charges under the provisions of §18.405 of this ordinance shall be allowed to pay the connection fee in equal monthly installments over a twenty-four-month period without interest and may pay the balance due at any time.

ARTICLE IV. SERVICE CHARGES

§13.400. Account service fee.

Persons applying for service to property will be required to pay an account service fee to assure the payment of the charges prescribed in this article. Such service charge shall be as set forth in the Schedule for each single-family residence and in such amount as the Manager may deem necessary in consideration of anticipated consumption for other occupancies.

§13.401. Monthly rates; hydrant rental charges.

- A. For all users connected to the Town Water System, the monthly water rates are as set forth in the Schedule.
- B. For maintaining new fire hydrants on private property after the adoption of this Ordinance, an annual hydrant rental charge of \$100 per hydrant shall be charged.

§13.402. Elderly and disabled persons.

Those individuals in the Town who qualify for the real estate tax exemption provided in a Tax Relief Ordinance for the Elderly by July 1 of each year shall be entitled to a fifty-percent reduction in their computed water charges on single-family dwellings only. To qualify for this reduced charge, the individual must submit to the Manager a letter from the Commissioner of the Revenue verifying that he is qualified for such tax exemption.

§13.403. Rebates for leaks.

Beginning with the installation of the meter, all water passing through a meter will be charged for, whether used or wasted; provided, however, that where leaks occur in water pipes or metered services and the owner, agent or tenant immediately shuts off at the discovery of the

break (two hours) and promptly makes all necessary repairs, the Council authorizes the Manager to approve a rebate of the amount in the excess of double the amount of the average monthly bill for the premises. Such average bill shall be determined by averaging the three previous bills. Approval of rebates for leaks to any individual account will not exceed one rebate in any three-year period.

§13.404. Charges when meter fails.

In the event that a water meter fails to register properly for any cause and the consumer has received the usual or necessary supply of water during the time of such failure, the charge shall be such amount as is shown to be the average monthly amount of water consumed on his premises for the preceding six months or, where applicable, for the percentage of consumption shown by the test of the meter.

§13.405. Payment.

All water charges shall be billed monthly and payable upon receipt of the bill rendered by the Town and shall be considered delinquent 10 days following the billing date. At the expiration of this time a penalty of 10% of the total bill will be assessed. Such bills shall be paid at a Town office or to an agent appointed by the Town Council to receive such payments.

§13.406. Discontinuance of service.

If a bill for water shall remain unpaid for 20 days after becoming delinquent and written notice has been sent by first-class mail or by means of a door-hanger, the water supply to the premises shall be discontinued, the supply of water shall be discontinued and shall not be restored until the delinquent account, plus a charge set forth in the Schedule, for reconnecting the service has been paid in full to the Treasurer of Caroline County.

§13.407 Charges to become lien.

§ 3.1-295 of the Code of Virginia see enforcement of such lien, and for § 3.1-296.

- A. The charges made for water service pursuant to this article, if unpaid, shall, from the date such charges are due, be a lien on the real estate served by such water. This provision shall not relieve the tenant or resident of such property from his obligation to pay such charges.
- B. If any charges made for water or the use thereof in the Town remain unpaid for a period of 60 days from the billing date, the Manager shall certify such charges as being unpaid, together with interest thereon, as of the date of such certification, to the Clerk of the Circuit Court, who shall docket the same in the judgment lien books in his office.

§13.408. Special meter reading and turn-on/turnoff charges.

- A. Special meter readings. Whenever a customer requests a special meter reading out of the normal cycle or rereading of a meter, a special charge shall apply unless it is determined by the Town that the Town is at fault. The fee charged shall be as set forth in the Schedule.

- B. Turn-on/turn-off of water. When a customer requests the Town to have water, service turned off for non-emergency reasons, a charge as set forth in the Schedule shall be made for this service if the service.

§13.409. Dedicated capacity charges.

Dedicated capacity charges shall be applied to all customers in accordance with the Schedule.

§13.410. Fee Schedule

Water system schedule of fees shall be as follows:

Service	Fee
Extension of the Water System	Actual Cost + 20%
Availability fee for standard ¾- inch pipe and meter	\$8,000
Availability fee for 1-inch pipe and meter	\$20,000
Availability fee for 1-1/2-inch pipe and meter	\$40,000
Availability fee for 2-inch pipe and meter	\$64,000
Connection fee for all size pipe and meter	\$750
Deposit (account service fee)	\$100
Reconnection fee after disconnection of service	\$100
Voluntary turn-off and turn-on fees	\$25
Monthly water rate – residential	\$45
Monthly water rate - commercial	\$60

ARTICLE V. CROSS-CONNECTION CONTROL; BACKFLOW PREVENTION

§13.500. Word usage.

Terms used or referred to in this article shall have the meanings ascribed to them in the Town of Port Royal cross-connection policies and as may be amended thereafter.

§13.501. Cross-connections prohibited.

Cross-connections between the Town potable water system and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited.

§13.502. Backflow prevention required.

The Town potable water system shall be protected against backflow and back siphonage by installing and maintaining, at fixtures, equipment and outlets where backflow or back siphonage may occur, a suitable backflow preventer, as approved by the Manager, provided that nothing herein shall require such a device on residential units existing on January 1, 1988, unless it is determined by the Manager that such device is required for the protection of the water system.

§13.503. Standards.

Any backflow prevention device or system shall be designated, installed and maintained in such a manner as to be in compliance with the Cross-Connection Control Manual, United States Environmental Protection Agency, Office of Water Programs, Water Supply Division, 1973; the BOCA Basic Plumbing Code, 1978; section 6.00 of the Virginia Waterworks Regulations, entitled "Cross Connection and Backflow Prevention Control in Waterworks"; and the Town of Port Royal cross-connection policies.

§13.504. Inspections.

- A. The Manager or his agent shall inspect the plumbing in every building or premises in the Town as frequently as, in his judgment, may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of combination of the water supply of the Town through the plumbing.
- B. The Manager shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing system installed in such building for cross-connection or backflow problems caused by improper installation, repair or maintenance, faulty equipment or other causes. Upon request, the owner or occupant of property served by the Town water system shall furnish to the Manager pertinent information regarding the piping system on such property.

§13.505. Enforcement; violations and penalties.

- A. The Manager shall notify the owner or authorized agent of the owner of any building or premises in or on which there is found a violation of this article. The Manager shall set a reasonable time for the owner to have the defect removed or corrected. Upon failure of the owner to have the defect removed or corrected within the specified time, the Manager may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated or deny service to such premises.
- B. If it is found that the backflow prevention device has been removed or bypassed or if the pressure in the waterworks is lowered below 10 pounds per square inch gauge, the Manager shall take positive action to ensure that the waterworks is adequately protected at all times.
- C. The owner or authorized agent of the owner responsible for the maintenance of the plumbing system in a building who knowingly permits a violation to remain uncorrected after the expiration of time set by the Manager pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$2,500 for each violation. Each day of failure to comply with the requirements of this article after the specified time shall constitute a separate violation.

ARTICLE VI. - SEWERS AND SEWAGE DISPOSAL

§13.600. Purpose.

This article shall be applied to protect public health, safety, welfare, and the environment through locating, designing, inspecting, and approving functional individual sewage disposal facilities and the licensing/registration of sewage handlers and sewage system contractors.

§13.601. Adoption by reference of the Commonwealth of Virginia Board of Health Sewage Handling and Disposal Regulations (12VAC-610).

All parts, forms and appendices of the Commonwealth of Virginia State Board of Health Sewage Handling and Disposal Regulations (12VAC-610) are adopted, by reference, and incorporated into this chapter as if fully set forth herein. In the event of a conflict between this article and the Sewage Handling and Disposal Regulations, the more stringent provision shall control.

§13.602. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings given in this section:

Approved method of disposal of sewage:

- (1) Water-carried disposal to an approved public or private sewer.
- (2) Water-carried disposal to an approved septic tank system or other approved system.
- (3) Non-water-carriage disposal of human excrement only to a Virginia Department of Health (VDH) approved sanitary privy.
- (4) Pump and haul, specifically authorized by Virginia Department of Health and the Town of Port Royal, through a special permit process conforming to the Virginia Department

of Health Sewage Handling and Disposal Regulations (12VAC-610-420), and Section 18.604.

Certification letter: A letter issued by health department or an authorized agent which identifies a specific site and recognizes the appropriateness of the site for an on-site wastewater disposal system. A certification letter does not constitute authorization for construction or installation of a system.

Construction permit: A permit issued by the Virginia Department of Health to authorize the construction or modification of an on-site wastewater system.

Construction plan: See Town of Port Royal Subdivision Ordinance.

Soil scientist: A Soil Scientist or other responsible designee approved by the Town of Port Royal and the Virginia Department of Health.

Final plat: See Town of Port Royal Subdivision Ordinance.

Health department: The Virginia Department of Health.

Health director: The Health Director of the Virginia Department of Health or duly authorized agent.

Individual lot (property or parcel): A single existing parcel on which the owner desires to construct a private family residence or business establishment.

Individual sewage disposal system: A complete system for the collection, treatment and disposal of sewage as located on an individual lot.

Inspection: Surveillance procedures used by the health department (VDH), or other certified individuals, meeting requirements of Code of Virginia and VDH, to determine compliance with provisions of this chapter.

Installed, repaired, approved and standard: Such terms shall be construed to mean "in accordance with the specifications and standards as established within this chapter".

Lot certification: Procedure whereby a suitable subsurface disposal area is recorded on the plat.

Operation permit: A permit issued by the Virginia Department of Health to authorize the operation of an on-site wastewater system.

Percolation test: A field test procedure conducted in the soil horizon(s) selected for installation of the proposed subsurface soil absorption system for the purpose of observing the rate that clean water will permeate through soil under saturated conditions.

Preliminary plan: See Town of Port Royal Subdivision Ordinance.

Sanitary privy: A device for receiving nonwater-carried human wastes over which may be placed a privy house containing seats.

Saturated hydraulic conductivity: A measurement of the soil's ability to transmit water under saturated conditions. It is the most common reference datum used to compare water movement in different soils, layers or materials. It is measured on-site with a constant-head permeameter.

Sewage: Water-carried and non-water-carried excrement, kitchen, laundry, shower, bath and/or lavatory wastes, separately or together, as may be present from residences, buildings, vehicles, commercial or industrial establishments or other places.

Sewage disposal field: The portion of a sewage disposal system where the sewage effluent is applied to land at or beneath the surface, including any required buffer area.

Sewage handling and disposal regulations: Refers to the current Commonwealth of Virginia Board of Health Sewage Handling and Disposal Regulations (12VAC-610).

Sewage treatment system: The process of physical, biological and/or chemical reduction of waste and pathogenic organisms with subsequent discharge of the end product to a receiving soil or stream.

Subdivision: Any division of a parcel into two (2) or more lots for the intended purpose of creating building sites (see Town of Port Royal Subdivision Ordinance for a complete definition).

§13.603. Approved method of disposal of sewage required for all houses, public buildings, etc.

It shall be unlawful for any person to use or occupy, rent or lease for use or occupancy or allow to be used or occupied, any house, warehouse, public or private building or other structure used for human habitation or other places where human beings congregate or are employed, unless or until such house, building, structure or area is supplied or equipped with an approved method of sewage disposal. The method of sewage disposal shall be approved by the health department and the construction shall comply with the requirements of this chapter and any other pertinent regulations or approvals. When using an on-site wastewater system, a valid operation permit is considered proof of approval.

§13.604. Pump and haul permit.

An owner who seeks a pump and haul permit shall follow the following steps:

- (a) Application – an application shall be made through the Virginia Department of Health on a form provided by the department;
- (b) Conference – a conference is necessary with the Virginia Department of Health and Town of Port Royal for the purpose of discussing the reasons for the pump and haul, the anticipated duration of the pump and haul, and the methods and equipment to be utilized in the pump and haul operation;
- (c) Preparation of plans, specifications and other data as may be required by the Virginia Department of Health and Town of Port Royal – plans and specifications in sufficient detail shall be provided to show the sewage collection and holding facilities. See 12VAC-610-250 C and E for further details relating to plans and specifications;
- (d) Securing a contract with a sewage handling contractor having a valid sewage handling permit – the owner shall secure and maintain a contract with a sewage handling contractor having a valid sewage handling permit. The contract shall be for a period of time sufficient to complete the construction necessary to alleviate the need for pump and haul. The contract shall contain, at a minimum, the following conditions: duration of contract, pumping schedule, availability of equipment, emergency response capability, and disposal site utilized by the contractor. The contractor shall maintain and submit records on a monthly basis to the owner, the Virginia Department of Health and the Town of Port Royal. The records shall indicate the time and volume of each load, the disposal site or sites utilized and overflows or spillage;
- (e) Submission of a detailed construction schedule for completion of the permanent receiving facilities – a detailed construction schedule shall show at a minimum the initial construction date and date of completion. Progress reports shall be submitted to the owner, the Virginia Department of Health and the town of Port Royal monthly; and,

- (f) Bonding – any owner who has obtained a pump and haul permit as defined herein constructed after the date of adoption of this section shall post with the Town surety in the form of a bond, letter of credit or cash escrow to provide for the maintenance, repair or replacement of the pump and haul facility. The owner of the system shall be the person and/or entity listed as such on the application for the pump and haul permit. Such surety shall be in the amount of the original construction cost of the system, including the cost of all equipment and installation. The surety posted herein shall be in force for the duration of the validity of the permit and lapse of the surety shall constitute grounds for revocation of the permit. The surety shall be posted prior to issuance of the pump and haul permit by the Virginia Department of Health, and approval by the Town of Port Royal. Proof of surety shall be provided to the Virginia Department of Health and the Town of Port Royal with the application for the pump and haul permit. Notice of the bond requirement shall be filed in the land records and shall run with the land.

§13.605. Permit and plat requirements.

- (a) No individual sewage disposal system shall be constructed or installed; and/or an older, existing system used, without an approved construction permit. The construction permit shall include all details and specifications necessary for construction of the system. After the individual sewage disposal system has been properly installed and passed all required inspections and tests, the health department shall issue an operation permit authorizing the use of the system. A reserve drainfield area able to accommodate 100% of the effluent of the drainfield must be approved by Virginia Department of Health and located on a plat of survey.
- (b) The following statement shall be included on the drainfield plat: "Drainfield and reserve area(s) must be surrounded by safety fence prior to land disturbance and throughout site construction. Safety fence shall be installed twenty (20) feet outside of drainfield and reserve area(s). If the drainfield and/or reserve area(s) are located less than twenty (20) feet off of a property line, safety fence shall be installed on the property line".
- (c) *Subdivision.*
 - (1) Plans and specifications of the sewer system or sewage disposal system to be used, together with plans for the anticipated water system to be used in the structure or structures, shall be provided prior to the start of any new subdivision for which individual sewage disposal systems are required. These plans and specifications shall be submitted with the first submission of the preliminary plan. The licensed conventional on-site evaluator (LCOSE) or licensed alternative on-site evaluator (LAOSE), providing the plans and specifications for the sewage disposal systems shall sign the following certification statement and seal, with LCOSE or LAOSE seal, the preliminary plan sheet showing the location of the individual sewage disposal system(s). The plans and specifications for the sewage disposal system and anticipated water system must be approved by the Virginia Department of Health Town of Port Royal before the preliminary plan is approved.

I hereby certify that my soil and site evaluation(s), sewer disposal system design(s) and/or size(s) and location(s) of the sewage disposal field(s) as shown on sheet ____ of the Preliminary Plan complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and the Town of Port Royal. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been included on sheet ____ of the _____ Preliminary Plan.

Signature Date

- (2) The LCOSE or LAOSE shall review the construction plans. The LCOSE or LAOSE shall ensure that the grading plan and final location of the infrastructure does not impact the sewage disposal system or its required buffer zones. The LCOSE or LAOSE shall sign and seal, with LCOSE or LAOSE seal, the following statement:

I hereby certify that my soil and site evaluation(s), sewer disposal system design(s) and/or size(s) and location(s) of the sewage disposal field(s) as shown on sheet ____ of the Construction Plan complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and the Town of Port Royal. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been included on sheet ____ of the _____ Construction Plan.

Signature Date

- (3) In the case of a new subdivision, before a final (record) plat is approved, the LCOSE or LAOSE shall review the final plat, ensuring that the sewage disposal systems are accurately located on the plat and that all required statements concerning the sewage disposal systems are included on the plat. The LCOSE or LAOSE shall sign and seal, with either LCOSE or LAOSE seal, the following statement:

I hereby certify that the location(s) of the sewage disposal field(s) as shown on sheet ____ of the Final Plat complies with all applicable laws, regulations and policies implied by the Virginia Department of Health and the Town of Port Royal. Furthermore, I certify that all required statements concerning said individual sewage disposal systems have been included on sheet ____ of the _____ Final Plat.

Signature Date

The final plat shall include a written statement from the health department stating that plans and specifications of the sewer system or sewage disposal systems, together with plans for the anticipated water system, meet the requirements of this section and intent of this chapter.

(d) *Voidance*: Construction permits shall be null and void after twelve (12) months from date of issuance, unless renewed in writing, by the health director, with a limit of two (2) renewals.

§13.606. Site and design criteria.

(a) *General*.

- (1) In all cases, the soil and site evaluation shall determine if a conventional system cannot be designed for the site, a statement must accompany the soil evaluation, signed by the LCOSE or LAOSE/CPSS, that states the site restrictions that restrict the site to an alternative system (as defined in §18.618).
- (2) For residential development, the soil absorption area shall be designed based on a dwelling with two (2) or more bedrooms.
- (3) For a conventional drainfield, the minimum area of subsurface drainfield trench bottom shall be six hundred (600) square feet. For alternative technologies, use relevant Virginia Department of Health Regulations and Guidance.
- (4) Septic subsurface absorption fields with an estimated or measured percolation rate of greater than one hundred twenty (120) minutes per inch are not allowed.
- (5) *Minimum setback distances, supplemental to VDH regulations:*

	Pretreatment units Conveyance lines Header lines	Subsurface Absorption Field
Horizontal:		
Stormwater management facilities	50 feet	50 feet
Impounded waters*	50 feet	100 feet
Top edge of banks and cuts	10 feet	20 feet
Properly abandoned uncased wells**		
Septic system without secondary treatment	100 feet	100 feet
Septic system with secondary treatment	50 feet	50 feet
Properly abandoned cased well**		
Well downslope of septic system	50 feet	50 feet
Well upslope of septic system	25 feet	25 feet

* Includes stormwater management/best management practice wet ponds.

** Abandonment procedures must be witnessed by health department staff member; these setbacks are compatible with Virginia Private Well Regulations.

- (6) The depth of installation of conventional drainfield percolation lines shall not exceed sixty (60) inches from surface of the mineral soil, unless waste is pretreated to advanced secondary treatment levels (ten (10) mg/L biochemical oxygen demand (BOD), ten (10) mg/L total suspended solids (TSS), and two thousand (2,000) cfu/one hundred (100)mL fecal coliform).
- (7) Septic system absorption field shall be sited and installed on slopes less than twenty-five (25) percent, unless this requirement is waived upon a joint determination by the health director and county soil scientist finds that the installation on slopes greater than twenty-five (25) percent does not pose a significant health or environmental risk.
- (8) Components of a septic system, including the absorption area, shall not be installed in the Federal Emergency Management Agency (FEMA) 100-year floodplain.
- (9) The installation area and the reserve shall be clearly defined, reserved for said use and located entirely on the parcel or lot which they are to serve.
 - (a) Sewage disposal systems, which exist, and are located off the property where the house or other structure is located are hereby grandfathered.
 - (b) Town Port Royal, may, by special exception permit, allow for off-site sewage disposal, which advances the health, safety, and welfare of the community. The applicant can be the Town itself, or an individual or company.
 - (i) The applicant must establish the uniqueness of its situation, no other viable alternative exists, the solution proposed meets all VDH requirements as to health and safety, and that no negative externalities would arise to negatively impact other citizens or property owners;
 - (ii) The special exception shall be pursued by Town Council in terms of a public hearing and notice provision of Virginia Code_____, where the general public will have an opportunity to comment and present its findings in conjunction with the applicant's presentation.
 - (iii) It shall be possible to permit more than one user of a mass drainfield, per the Code of Virginia and VDH regulations.
- (10) It shall be unlawful to subdivide, re-divide or change an approved parcel in any manner which will reduce or alter the ownership of a drainfield area or those areas reserved for repair unless public sewer is available and connected to the existing dwellings; NOTWITHSTANDING the terms and conditions as found in (9), hereinabove, specifically, with regards the grandfather provisions and/or any other provision applicable.
- (11) Reserve areas:
 - a. For lots with an on-site sewage disposal system, including residue parcels, proposed in a designated service district, a separate reserve area that meets all the requirements of this article and equals, or is equivalent to, one hundred (100) percent of the primary absorption area shall be provided.
 - b. For lots with an on-site sewage disposal system, including residue parcels, proposed outside of a designated service district, a separate reserve area that meets all the

requirements of this article and equals, or is equivalent to, two hundred (200) percent of the primary absorption area shall be provided.

- (12) All alternative individual septic systems using pumps must have the system designed with either all time - dosing pumps or all duplex pumps. The pump system shall be designed with minimum storage capacity to contain a volume equal to the number of bedrooms times a daily usage of one hundred fifty (30) gallons per day, per bedroom for a period of two (2) days (4 bedrooms x 30 gals/day/bedroom x 2 days = 1,200 gals).
- (b) *Individual lots:* For the purpose of this chapter, evaluation of proposed individual lots or parcels shall be based on the following:
- (1) Recommendations of the Virginia Department of Health as based on experience and as supported by field investigations and soil evaluation.
 - (2) Information submitted on behalf of an applicant by a LCOSE or LAOSE, who shall also be a CPSS, in consultation with a professional engineer licensed to practice in Virginia. It shall be the responsibility of the Virginia Department of Health to evaluate such information as submitted prior to approval.
 - (3) If percolation or saturated hydraulic conductivity tests are conducted on the property in the area of the proposed subsurface disposal field, the results shall be provided to the Virginia Department of Health and the Town of Port Royal or other responsible designee. Such test shall be made in accordance with all VDH regulations and policies.
 - (4) For individual existing lots the setbacks set forth in §18.606 may be reduced up to the minimum provided for by the regulations of the Virginia Department of Health in those instances in which the setbacks would otherwise preclude development of the parcel, provided that the distances shall be observed to the greatest extent possible.
 - (5) For individual existing lots the reserve area provided for in §18.606 may be reduced from two hundred (200) percent to a minimum of one hundred (100) percent in those instances in which the setback would otherwise preclude development of the parcel.
- (c) *Subdivision:* The criteria for evaluation of subdivisions shall be the same as required for individual lots and in addition, the following criteria:
- (1) Measurement of constant-head saturated hydraulic conductivity may be required. The need for saturated hydraulic conductivity measurement shall be determined by the Virginia Department of Health, and the LCOSE or LAOSE/CPSS. If constant-head saturated hydraulic conductivity is required, three (3) measurements from a proposed drainfield area in each major soil type and topographic feature shall be collected and the raw data shall be included in the permit application.
 - (2) Other tests may be required, based on the level 2 evaluation, including geotechnical study, additional constant-head saturated conductivity tests at different depths, water mounding modeling, nitrate modeling, etc., depending on-site and design conditions.

§13.607. Construction criteria.

- (a) *Sewer line construction:* Sewer lines shall be four (4) inches or greater in diameter.
- (b) *Septic tank design:* Septic tanks shall be constructed of concrete or fiberglass. Any septic tank receiving waste from a garbage disposal unit shall be increased in capacity at least fifty (50) percent. Adequate access to each compartment, for inspection and sludge removal, shall be provided by risers extending to the finished ground surface. Risers shall be provided at both inlet and outlet ends of the septic tank. The inlet and outlet tees shall be so installed as to be

located directly beneath the risers. Effluent filters are required for septic tanks that are a component of a conventional septic system.

- (c) *Distribution box installation:* The distribution box shall be stabilized by bonding to a poured-in-place concrete pad and shall be equipped with speed levelers.
- (d) *Header lines:* All header lines shall be constructed of pressure rated schedule 40 PVC pipe or approved equal.

§13.608. Construction of individual sewage disposal or treatment facilities requiring discharge into state waters.

A private individual sewage treatment system which discharges into an open ditch or water shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging system is the only alternative for the repair. The discharge system must comply with all applicable state regulations and receive all applicable state permits prior to installation and/or operation. In approving such a system, the Virginia Department of Health may establish additional conditions, including but not limited to, use, maintenance and testing.

Sec. 13.609. Inspections.

- (a) *Required inspections.* The Virginia Department of Health shall make such inspections as deemed necessary during construction of sewage treatment and disposal systems to determine compliance with the requirements of this chapter.
- (b) Prior to construction of an individual sewage disposal system, drainfield area(s), house site and well site shall be staked on the site for necessary inspections to assure compliance with the approved plans. Stakes shall be maintained until construction of house, individual sewage disposal system and water system are completed.
- (c) *Installation or use of sewage disposal and treatment systems.*
 - (1) *Inspection of subsurface disposal system.* No part of a subsurface treatment and disposal system shall be covered until inspected and approved by the health director or a certified individual. Any part which has been covered prior to inspection shall be uncovered for inspection upon order of the health director. Upon inspection and approval of said system by the Virginia Department of Health, the system is to be backfilled within twenty-four (24) hours.
 - (2) *Approval required prior to use.* It shall be unlawful to use or operate any sewage treatment and disposal system by whatever name or description until issuance of an operation permit by the Virginia Department of Health.
 - (3) *Notice to correct condition.* If, upon any inspection, the health director shall find any violation of this chapter or the provisions of the permit issued under it, the director shall direct the person to whom the permit was issued, by written notice, to make the necessary corrections within such reasonable time as shall be specified therein.

§13.610. Subdivisions.

- (a) Safety fencing around drainfield and reserve area(s) must be field verified by Town of Port Royal or designated representative prior to issuance of a land disturbance permit.

§13.611. License and bond requirements of persons installing or repairing individual sewage disposal or treatment systems.

- (a) It shall be unlawful for any person to contract to install or repair a sewage disposal system for another person unless licensed by the Virginia Department of Professional and Occupational Regulation as a conventional on-site sewage system installer or alternative on-site sewage system installer and applying for and obtaining an annual license from the Virginia Department of Health by application and payment of a license fee and satisfactory evidence that the applicant has a working knowledge of sewage disposal systems, their installation and construction and the provisions of this chapter as determined by the Virginia Department of Health and provided bonding requirements have been met.
- (b) Licenses shall be renewed annually between January 1 and January 3 of each year and shall not be pro-ratable. Renewal of license shall be the responsibility of the licensee.
- (c) *Bonding.* All persons contracting to install or repair a sewage disposal system for another must furnish evidence that they are bonded and/or insured, with bond and/or insurance of at least fifty thousand dollars (\$50,000.00). The bond shall be for a period of not less than six (6) months after the expiration of the license year during which the bond was posted and shall be renewed annually so that the bond shall not be terminated for a period less than six (6) months after the construction or repairs of the last individual sewage disposal system or any part thereof.

§13.612. Septic tank cleaners.

(a) *License requirements.*

- (1) No person shall engage in the business of cleaning septic tanks, settling tanks or vaults designed to hold or retain solids in connection with sewage systems by whatever name described unless such person has applied for and obtained a license from the Virginia Department of Health.
- (2) License shall be renewed annually between January 1 and January 3 of each year. License fees shall be established in accordance with §13.63 and shall not be pro-ratable.

(b) *Disposal of sludge or waste from retention tanks.*

- (1) It shall be unlawful to dispose of the sludge and other material from septic tanks except by depositing it into a public sanitary sewer system or sewage treatment plant, or other approved systems, at such designated locations and under such conditions as may be promulgated by the owners or operators thereof. In any event, the sludge or other material shall be carefully deposited and the surface of the ground, manholes, tanks, etc., into which the deposit is made shall be maintained in a sanitary condition. Any covering of such surfaces with sludge or other material shall be promptly and completely removed.

§13.613. Negligent use of sewer system.

It shall be unlawful for any owner or any tenant or lessee of any premises properly supplied with a sanitary privy, flush toilet or other approved device for the disposal of human excrement or other sewage waste to misuse or neglect it, so that it ceases to be sanitary or approved.

§13.614. Violations; penalties.

Any violation of the provisions of this chapter shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a period of not more than thirty (30) days in jail, or by both such fine and imprisonment. The provisions of this section shall not apply where a specific penalty is provided for by a section within this chapter.

§13.63. Permit and license fees generally.

The Town Council may establish and amend as necessary, a schedule of fees for the issuance of permits required under this chapter, and no such permit for which a fee has been established shall be issued until such fee has been paid to the treasurer of the Town or another office designated to collect the fees for the treasurer.

§13.616. Related regulations.

- (a) Town of Port Royal Zoning Ordinance.
- (b) Town of Port Royal Subdivision Ordinance.
- (c) Town of Port Royal Code.

§13.617. Use of Existing Systems

Any proposed use of an existing septic field, septic tank, junction box, and/or any other components of a sewage disposal system for a new structure, whether that structure is permanent or temporary, must comply to all requirements of the Virginia Department of Health regulations and this Ordinance.

§13.618. Categories of on-site waterborne sewage disposal systems.

There are two (2) categories of on-site waterborne sewage disposal systems:

- (1) *Conventional systems:* A conventional on-site sewage disposal system consists of a sewer line, septic tank, distribution box and a series of two-foot to three-foot wide drainfield laterals installed in gravel. These systems are designed to dispose and treat the effluent at a depth of eighteen (18) inches to fifty-four (54) inches and depend on the naturally occurring soil. Conventional systems may use a sewage pump to lift the effluent to a single higher elevation.
- (2) *Alternative systems:*
 - a. *Alternative proprietary pre-engineered systems:* A proprietary pre-engineered system is an alternative non-discharge system, which has received general approval from the state health commissioner.
 - b. *Alternative engineered systems:* Engineered systems are those non-discharge systems, which have not received general approval from the state health commissioner.

§13-619. Design requirements for alternative systems.

- (a) *Alternative proprietary pre-engineered systems:* A licensed alternative on-site evaluator (hereinafter OSE) may design a proprietary pre-engineered system, which is within the pre-engineered limits of the system. When the system is not within the pre-engineered limits or involves a reduction in disposal area, the Virginia Department of Health may require design or review by a professional engineer, licensed to practice in the commonwealth in consultation with an authorized on-site soil evaluator and state-certified professional soil scientist.
- (b) *Alternative engineered systems:* Engineered systems shall be designed by a professional engineer licensed to practice in the commonwealth in consultation with an OSE and state-certified professional soil scientist.

§13.620. Routine maintenance and monitoring requirements for on-site systems.

- (a) *Conventional systems:* Conventional systems installed, repaired, replaced or extended after the effective date of this article or located within an area designated by the county as an aquifer protection overlay district or watershed management and protection overlay district must be cleaned every five (5) years unless there is a garbage disposal unit or grinder pump, in which case the septic tank must be cleaned at more frequent intervals if necessary to prevent non-biodegradable material from migrating to the disposal field. Prior to transfer of any property served by a conventional system, the owner shall furnish to the health department and the grantee a receipt or evidence that the system has been cleaned within the previous five (5) years, and thereafter the grantee and subsequent purchasers shall be required to clean the system in accordance with the requirements of this article. After the date of adoption of this article, all new or replacement septic tanks shall be installed with adequate manholes, properly secured, to allow easy inspection and cleaning of the holding tank.
- (b) *Inspection, maintenance and monitoring of alternative systems:*
- (1) As a requirement of the design, every alternative system must have an "operation and maintenance" manual, written in lay terms that can be easily understood by the homeowner as well as the professional operator (if required). At a minimum, when the OSE/engineer prepares the original plan for the alternative system, that person must specify the effluent limits for the system as well as the routine service requirements and degree of expertise required to operate the system. When the system design incorporates a proprietary system, the manufacturer's operation and maintenance manual may be adequate to comply with this section if so stipulated by the designer.
 - (2) Alternative systems that require routine maintenance over and above traditional systems require a conditional permit with the maintenance requirements recorded as a part of the permit approval. The conditional permit, along with the document that enumerates the conditions must be recorded and indexed in the grantee index in the land records of the county. The Virginia Department of Health may conduct periodic inspections of the systems and on a triennial basis may collect the fee established by the county for such inspections. The fee established by the board may be collected on an annual basis for systems found to be in violation of this chapter or state regulations until such time as the system is in compliance for a period of twelve (12) consecutive months. Prior to transfer of any property subject to such conditional permit, the grantor shall notify the grantee of the existence of the alternative system and the conditions of the permit. The purchaser shall, at the time of purchase, renew the conditional permit. The Town and/or the Virginia Department of Health may impose conditions based upon the maintenance requirements of the system, including but not limited to, a requirement for a maintenance contract, professional operator or demonstration of competency to operate the system by the owner/operator.
 - (3) The maintenance plan and a contract for such maintenance must be submitted to the Virginia Department of Health for approval. The maintenance plan and monitoring contract must remain in effect for the entire life of the contract. The health department is the approving authority for the maintenance and monitoring requirements of the system. At a minimum, semi-annual inspections and testing by a qualified service provider shall be required for systems without remote monitoring. Maintenance requirements shall be made a condition of any permit issued by the health department for alternative engineered systems.
 - (4) Alternative systems in existence prior to the adoption of this article shall be operated and maintained in accordance with the manufacturer's and/or designer's specifications. Any

alternative system existing on the date of adoption of this article that is repaired, altered, replaced or extended shall be governed by the provisions of this article.

(c) *Maintenance of disposal fields for conventional and alternative systems:*

- (1) An appropriate groundcover shall be established and maintained over the disposal site. Permanent lawn irrigation systems are prohibited within twenty (20) feet of any disposal area. Trees and shrubs shall not be planted or allowed to grow in the disposal field. The area reserved for the subsurface disposal field and future repair of the system shall be retained for that sole purpose.
- (2) No structures shall be placed over the subsurface soil absorption system. Driveways or parking lots shall not be constructed on the subsurface soil absorption system unless the invert of the lead or header lines or top of the gravel in the absorption trenches is deeper than thirty (30) inches below the ground surface and the driveway or parking lot is paved with Portland cement or bituminous concrete to prevent compaction of the trench bottom. Driveways and parking lots shall not be constructed over the distribution box unless adequate structural and access provisions are provided.

§13.621. Neglect.

In order to protect the public health, it shall be unlawful for any owner to neglect or abuse any sewage disposal system, fail to perform the routine or necessary maintenance, fail to comply with the requirements of a conditional permit, fail to file required monitoring reports, or fail to comply with any other provision of this article.

§13.622. Bonding of alternative systems.

The owner of any individual user alternative engineered system as defined herein constructed after the date of adoption of this section shall post with the Town surety in the form of a bond, letter of credit or cash escrow to provide for the maintenance, repair or replacement of the system. The owner of the system shall be the person and/or entity listed as such on the application for the operation permit. Such surety shall be in the amount of the original construction cost of the system, including the cost of all equipment and installation. The surety posted herein shall be in force for the duration of the validity of the permit and lapse of the surety shall constitute grounds for revocation of the permit. The surety shall be posted prior to issuance of the operation permit by the Virginia Department of Health. Proof of surety shall be provided to the health department with the application for the operation permit. Notice of the bond requirement shall be filed in the land records and shall run with the land. Surety for any community system or other system serving multiple users shall be at least in the amount required herein for individual user engineered alternative systems and shall be established by the Town Council at the time of permit issuance based upon the complexity and size of the system and the number of users and such other factors as are deemed appropriate by the Town.

§13.623. - Violations; penalties; applicability.

The penalty for any violation of this article shall be the same as that set forth in §18.614 ; and further actions and relief as Town Port Royal and/or other aggrieved parties may avail themselves of as found in VDH regulations, Code of Virginia, or the Virginia Judicial system. Town Port Royal will seek a determination, and if appropriate, action from VDH, as to whether the structure is habitable and take all actions necessary to ensure the public health, welfare, and safety.

CHAPTER 14 – SPECIAL EVENTS AND ACTIVITIES

Article I Parades, Demonstrations, Open Air Concerts and Similar Entertainment

§14.100. Purpose.

(a) The Town council enacts this article for the purpose of regulating the time, place and manner of parades and demonstrations in order to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concern, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

(b) The Town council does not enact this article, or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

State law references: Code of Virginia, § 3.2-1102.

§14.101. Definitions.

For the purposes of this article, the following words and phrases shall have these meanings:

“Demonstration” means a group of seven (7) or more persons assembled and acting in concert to call the public's attention to their opposition to, support of or position with respect to any subject. This term shall not include persons lawfully engaged in picketing.

“Event” means a parade or demonstration, or both.

“Parade” means a mobile gathering, march or other procession of seven (7) or more persons for the purpose of attracting the public's attention.

“Person” means an individual, corporation, partnership, association, organization or other entity.

“Picketing” means to assemble as a group in front of or near a business, factory, building or other site as a form of protest against or communication about that business, factory, building or site.

“Spontaneous parade or demonstration” means an unplanned or unannounced coming together of persons, animals or vehicles consisting of a parade or demonstration which may occur in response to unforeseen circumstances or events of immediate and obvious importance that allows no opportunity for application to the Town council.

“Street” means a public street, sidewalk or Public place in the Town.

§14.102. Permit-Required.

(a) It shall be unlawful for any person to organize, direct, lead or participate in any parade or demonstration upon any street within the Town unless the Town council has first granted a permit for this activity.

(b) This section shall not apply to any component of the armed forces of the United States or of this commonwealth, any governmental agency or organization, any funeral, religious or wedding procession, or to any group of persons lawfully engaged in picketing under Article I of this Chapter.

(c) If a parade or demonstration is conducted without a permit, the Town manager shall not disperse the event unless it is or becomes an unlawful assembly or riot as defined in this Code. In the latter case, the Town manager shall follow the procedures established for unlawful assemblies and riots. The Town manager, however, may seek the prosecution by the Town attorney of any person violating any provisions of this article.

§14.103. Permit-Application generally.

(a) Any person proposing to organize, participate in or lead a parade or demonstration upon or in any street within the Town shall file an application for a parade or demonstration with the Town clerk at least five (5) working days prior to the next council meeting before the parade or demonstration. The application shall set forth:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name(s), home and work addresses and telephone number(s) of the person(s) in charge of the parade or demonstration;
- (3) The name(s) and addresses of the sponsor(s) of the parade or demonstration and all participating organizations;
- (4) The date, hour and place for the assembly of the participants in the parade or demonstration and the expected duration of the event;
- (5) A map showing the streets, sidewalks and public places upon which the parade or demonstration is to occur;
- (6) Whether the parade or demonstration is to be conducted on foot, with animals, with vehicles or any combination thereof and the number of individuals, vehicles and animals expected to participate;
- (7) An estimate of the anticipated attendance;
- (8) The purpose of the parade or demonstration; and
- (9) Any other information that may be required by the Town manager.

(b) Each application for a parade or demonstration permit shall be signed by the person named in the application as the person in charge of such parade or demonstration.

§14.104. Permit-Council action on application.

(a) Upon the filing of a complete application for a parade or demonstration permit, the Town clerk shall promptly transmit copies to the Town council. The Town council shall consider and act on the application, hearing the applicant on request and other persons the council deems necessary.

(b) The Town council shall grant an application for a parade or demonstration permit and may impose limitations on the time, place and manner of the conduct of the event to prevent conditions that would be detrimental to the public peace and safety and would cause a physically dangerous or unworkable traffic condition upon streets. In determining such conditions, the council may consider the following factors:

- (1) The number of persons who would be seriously inconvenienced by the event;
- (2) The effect of the event on the movement of vehicular traffic, pedestrian passage, access to buildings or parking, commercial and domestic activity in the Town; and,
- (3) The likelihood of injury, death or property damage.

(c) It shall be unlawful for any person, corporation, partner-ship, association or organization covered by the permit to violate or fail to comply with any such limitation.

§14.105. Contents.

- (a) Each parade permit shall state the following information, if applicable:
 - (1) Assembly time.
 - (2) Starting time.
 - (3) Minimum speed.
 - (4) Maximum speed.
 - (5) Maximum interval of space to be maintained between the units of the parade.
 - (6) The portions of the streets to be traversed that may be occupied by the parade.
 - (7) The maximum length, in miles or fractions thereof, of the parade.
 - (8) The assembly and termination areas.
 - (9) Such other information as the Town manager shall find necessary to enforce this article.

§14.106. Contents-Priority of scheduling applications for conflicting activities.

If the Town manager receives more than one (1) application for a parade or demonstration to be held at the same time or in the same place, the application filed first in time shall take precedence. In that case, the Town council shall provide for an alternative site or time for the second or subsequent parade or demonstration.

§14.107. Contents-Spontaneous parades and demonstrations.

- (a) Upon the occurrence of conditions leading to a spontaneous parade or demonstration (as determined by the Town manager), the Town manager may immediately grant the permit for the parade or demonstration under the same standards and procedures, with necessary changes, as set out in this article for Town council action. The Town manager shall promptly report such action to the Town council.
- (b) Due to the spontaneous nature of such event and in order to maintain safe or passable traffic conditions in the Town, spontaneous parades and demonstrations shall be held on those public streets or parts thereof where the chance of unsafe or impassable traffic would be minimized.

§14.108. Participants carrying dangerous weapons.

No person parading or demonstrating shall carry a dangerous weapon. This prohibition shall not apply to members of color guards, drill teams, military units, lodges and other persons by whom the display of weapons upon the occasion of the parade or demonstration would not constitute a threat to the maintenance of law and order and the preservation of the public peace.

§14.109. Participation by dangerous animals.

No person parading or demonstrating shall cause or allow any vicious or apparently vicious animal to participate in or accompany the parade or demonstration. This prohibition shall not apply to circus parades and similar events.

§14.110. Insulting, harassing or interfering with participants.

It shall be unlawful for any person willfully to harass or interfere with any person lawfully parading or demonstrating pursuant to a permit issued under the provisions of this article. It shall be unlawful for a participant in an event to address bystanders using abusive or threatening language which would tend to provoke him or others to a breach of the peace.

§14.111. Revocation of permit.

The Town manager may revoke any permit issued pursuant to this article if any person shall violate any prohibition, condition, restriction or limitation of the permit.

§14.112. Penalty.

Any person violating any provision of this article shall be guilty of a Class I misdemeanor.

Division 2 Open Air Concerts and Similar Entertainment

§14.120. Permit required; exception.

(a) No person shall sponsor, organize or conduct within the Town any open-air concert, music festival or other similar entertainment, for which an admission fee is charged or other consideration given for attendance thereat, except pursuant to a permit issued by the Town council.

(b) It shall be unlawful for any owner, person in charge, lessee or tenant of any property to permit the use of such property for any purpose for which a permit is required under this section, unless such permit has been granted by the Town council.

§14.121. Application for permit.

Each application for a permit under this division shall be in writing, signed and sworn to by the person who shall be in charge of the activity for which the permit is sought, and shall set forth the name and address of the applicant, the place and date for the holding of the activity, the number of persons expected to attend, arrangements to be provided by the applicant for the accommodation of the persons expected to attend, and such other information as may be required by the Town council.

§14.122. Appearance of applicant before council.

Prior to issuance of a permit under this division, the Town council may require the applicant to appear before the council, in open meeting, and answer such questions relative to the activity for which the permit is sought as may be deemed necessary by the members of the council, to enable them to determine whether or not a permit should be granted.

§14.123. Issuance or denial of permit-Generally.

(a) Subject to the provisions of §6-104, the Town council may, in its discretion, issue a permit applied for under this division; provided, however, if upon due consideration the council shall find reasonable likelihood of any of the following, the permit shall be denied:

- (1) That adequate measures to preserve law and order, or to prevent the illegal use of drugs, narcotics, intoxicating liquor or marijuana, will not be provided by the applicant.
- (2) That the number of persons or vehicles expected to attend the activity for which a permit is sought would impose an undue burden on the streets and parking places of the Town or the public ways entering the Town.
- (3) That adequate sanitary facilities would not be provided for the persons expected to attend the activity for which the permit is sought.
- (4) That adequate facilities for providing food or lodging to those in attendance at the activity for which the permit is sought would not be available.
- (5) That the holding of the activity for which the permit is sought would be contrary to the peace, good order, comfort, convenience or general welfare of the Town and its inhabitants.

§14.124. Payment of license tax prerequisite to issuance of permit.

No permit shall be granted under this division until the license tax, if any, provided for in Chapter 7, Article VII of the Town Code, has been paid.

§14.125. Contents of permit.

A permit issued under this division shall prescribe the time during which the activity is to be conducted and any other conditions or restrictions which the council deems necessary or desirable.

Article II Mass Outdoor Social Gathering

§14.200. Purpose.

(a) The Town council enacts this article for the purpose of obtaining advance notification of mass outdoor social gatherings in order to assess the impact on the public use of streets, sidewalks and public places. Advance notification is necessary to preserve the public peace and safety, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

(b) The Town council does not enact this article, or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech in public or private places.

§14.201. Definitions.

The following words, when used in this article, shall have the following respective meanings, unless the context clearly indicates a different meaning:

“EXCESSIVE NOISE” means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans. Specific examples of prohibited excessive noise are set forth in this article.

“MASS OUTDOOR SOCIAL GATHERING” means a social event conducted outside or in a partially enclosed structure, on public or private land in the Town, to which one hundred (100) or more people are invited or expected to attend, as licensees, invitees, or trespassers, or as people who happen to show up, or at which one hundred (100) or more people are actually in attendance. This term may also be referred to as *“the event.”*

“MOTOR VEHICLE” means a vehicle defined as a motor vehicle by § 46.2-100, Code of Virginia (1950), as amended.

“OWNER” means the person owning, controlling, or possessing land, premises, or property.

“PERSON” means any individual, partnership, corporation, association, society, club, group of people acting in concert, or organization. This term shall not include the federal, state, county, Town, city, or local government, or any agency or institution thereof.

“PUBLIC PROPERTY” means any real property owned or controlled by the Town or any other governmental entity or institution.

“PLAINLY AUDIBLE” means any sound that can be heard clearly by a person using his or her unaided hearing faculties. When music is involved, the detection of rhythmic bass tones shall be sufficient to be considered plainly audible sound.

“PUBLIC RIGHT-OF-WAY” means any street, avenue, boulevard, highway, sidewalk or alley.

“REAL PROPERTY BOUNDARY” means the property line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another person.

“RESIDENTIAL” refers to single-unit, two-unit, and multi-unit dwellings, and residential areas of planned residential zoning district classifications, as set forth in the Town of Port Royal Zoning Ordinance, as amended.

“SOUND” means an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at a finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

“SOUND AMPLIFYING EQUIPMENT” means any machine or device for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

“SPONSOR” means a person or persons who organizes, supports, specifically benefits from, or is in charge of a mass outdoor social gathering.

“TOWN MANAGER” means the Manager or his or her designee.

§14.202. Notification to the Town.

(a) Persons who are the sponsors of a proposed mass outdoor social gathering under this article shall file a written application with the Town manager at least 30 days prior to the event giving the information required in this section.

(b) The following information, hereby ordained as substantive requirements of this article:

- (1) Evidence of plans to mitigate and limit the sound from the mass outdoor social gathering, so that the effects of the excessive noise are minimized or eliminated;
 - (2) The name, address, and telephone number of the owner or owners of the site for the event;
 - (3) The name, address, and telephone number of the sponsor or sponsors;
 - (4) The name, address, and telephone number of a contact person representing the sponsor or owner, or both, who shall be available at the provided telephone number during the event and authorized to address problems related to the event that affect private citizens;
 - (5) The proposed location of the event; the boundaries of the event site; and the land use characteristics of the area surrounding the site;
 - (6) The expected number of persons to attend the event;
 - (7) The date and beginning and ending times for the use of amplified sound, and the beginning and ending times of the event, which in both cases shall not precede 10:30 a.m. or exceed 10:00 p.m. of any day.
 - (8) An indication that plans and provisions for the following have been addressed: provision of at least one toilet facility per 50 people; sufficient refuse containers; and provision of ample, designated parking areas, or arrangement for transporting attendees to and from a remote parking area, or both, including if applicable, copies of written permission to use private property, not that of the owner of the site of the event or sponsor, for parking;
 - (9) Evidence that all Town and state parking laws, and all Town noise control laws, will be complied with;
 - (10) Evidence of plans to clean up the event site and surrounding area after the event;
 - (11) Evidence that notice of the event, and names, telephone numbers, and addresses of the owner, sponsor and contact person, have been given to representatives of any residential area that might be impacted by the mass outdoor social gathering.
 - (12) Evidence that the owner or sponsor has arranged for the presence during the mass outdoor social gathering of a sufficient (as determined by the Town manager) number of monitors. The monitors shall aid the owner or sponsor in the resolution of any problems created by the event, including the conduct of objectionable activities by participants, and may report to the Town police any violations of the law that may take place during the event. Nothing in this subparagraph shall afford the monitors Town or other police powers or create an agency relationship between the Town and the monitors. Monitors shall be acting for the owner or sponsor of the mass outdoor social gathering.
- (c) Upon receipt of a substantially completed application form, as determined by the Town manager, using the standards of this article, the Town manager shall immediately accept in writing the application.
- (d) The Town manager may negotiate with the applicant to lessen, adjust, or accommodate to the peculiarities of the situation, but not increase, the requirements of this article, in order to achieve the goals and meet the standards of public safety, comfort, convenience, and welfare, by reducing or limiting excessive noise and other adverse effects from the mass outdoor social gathering. To this end, with the Town manager's permission, the applicant may amend the applicant's application up to three days prior to the event.
- (e) Upon the Town manager's satisfaction that the applicant for the permit has met the standards of this article, the Town manager on behalf of the Town shall issue a written permit called for under this section to the applicant and shall send a copy of the permit to the Town clerk for filing.
- (f) The applicant shall comply with the permit and with the terms of this article in the conduct of the mass outdoor social gathering and in the use of amplified sound for a mass outdoor social gathering. The permittee shall keep the permit in the permittee's possession during the mass outdoor social gathering and shall promptly display it to any police officer on request.

(g) In case of emergency, or other circumstance calling for the immediate conduct of a mass outdoor social gathering, so that the 30-day deadline set out in §6-202(a) cannot be met, the Town manager may waive the deadline using the following standards, as applicable: the intensity or immediacy of the emergency or circumstance; lack of alternate means of applicant's accomplishing these same goals by complying with the deadline; and avoidance of nullifying the deadline by a repeated course of conduct. The waiver shall be in writing, shall address these standards as applicable, and shall be filed in the office of the Town clerk.

Article III Fireworks

§14.300. Purpose.

The regulations contained in this article are hereby adopted to provide for the issuance of permits to fair associations, amusement parks and other organizations and groups of individuals for the display of fireworks and to regulate the use and display of fireworks upon the granting of permits.

§14.301. Definitions.

For the purpose of this article, unless otherwise required by the context, the following terms shall have the meanings indicated:

“COMMON FIREWORKS” mean any small firework device designed primarily to produce visible effects by combustion and which must comply with the construction, chemical composition and labeling regulations of the United States Consumer Products Safety Commission, as set forth in Title 16, Code of Federal Regulations, Parts 300 and 307. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive composition and aerial devices containing 130 mg or less of explosive composition.

“FIREWORKS” mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation and that meets the definition of "common" or "special" fireworks as set forth in the United States Department of Transportation (DOT) Hazardous Materials Regulations, Title 49, Code of Federal Regulations, Parts 173.88 and 173.100.

§14.302. Compliance required.

It shall be unlawful for any person to store, possess, sell, offer to sell, expose for sale or explode within the Town any firecrackers, torpedoes, skyrocketes, roman candles or other substance or thing, of whatever form or construction, intended for or commonly known as "fireworks," except as provided in this article.

§14.303. Application for permit.

(a) Written application for a permit to display fireworks shall be made to the Town Council through the Town Manager at least 60 days prior to the event. The application will contain, at a minimum, the following information:

(1) The name, and phone number, of the individual, group or organization sponsoring the outdoor fireworks display, together with the name(s), and phone number, of the person(s) actually in charge of the firing of the display.

- (2) The date and time of day at which the outdoor fireworks display is to be held.
- (3) The exact location planned for the outdoor fireworks display.
- (4) Confirmation of the license of the operator and the number of assistants that will be present.
- (5) The approximate number and kinds of fireworks to be discharged.
- (6) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site.
- (7) A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained, the location of other possible overhead obstructions and the location of fire and rescue equipment.
- (8) A certificate of liability insurance in the amount of no less than \$1,000,000, with the Town of Port Royal named as additional insured.

§14.304. Approval of application; issuance of permit.

Upon approval of an application by Town Council, a fireworks permit will be issued by the Town Manager. The permit allows for the display of the outdoor fireworks on the date requested and storage of such fireworks for a period of two days prior to the event.

§14.305. Disposition of copies of approved application.

One copy of a permit to display fireworks shall be kept on file by the Town Clerk until after the date the fireworks are displayed, and two copies shall be returned to the applicant, who shall keep one copy on file for 60 days after displaying such fireworks, and one copy shall be in possession of the person in charge of displaying the fireworks at the time and place they are being displayed.

§14.306. Persons authorized to conduct display.

All operators shall be at least 21 years old and licensed by a pyrotechnics school. All assistants shall be at least 18 years of age.

§14.307. Storage.

Prior to the use of fireworks pursuant to a permit, they shall be stored in a metal container in a building of masonry construction so that members of the public cannot have access to them, and such fireworks shall not be stored in this Town for a period in excess of two consecutive days.

§14.308. Minimum safety distance.

The site for the outdoor display shall have at least a seventy-foot (14 m) radius per inch of internal mortar diameter of the largest aerial shell to be fired. No spectators, dwellings or spectator parking areas shall be located within the display site.

§14.309. Exemptions.

This article shall have no application to any officer or member of the Armed Forces of this state or of the United States while acting within the scope of his authority and duties as such nor to any offer of sale or sale of fireworks to any authorized agent of such Armed Forces; nor shall it be applicable to the sale or use of materials or equipment otherwise prohibited by this article when such materials or equipment is used or to be used by any person for signaling or other emergency

use in the operation of any railroad train or other vehicle for the transportation of persons or property.

§14.310. Applicability.

This article shall not apply to sparklers, fountains, Pharaoh's serpents or caps for pistols, nor shall it apply to pinwheels commonly known as "whirligigs" or "spinning jennies," when used, ignited or exploded on private property with the consent of the owner of such property.

§14.311. Violations and penalties.

Any person, firm or corporation committing an offense against any provision of this article shall, upon conviction thereof, be punishable as a Class 1 Misdemeanor.

Article IV

The Port Royal Town Council, through the recommendation of the Mayor or Town Manager, reserves the right to exempt the permit requirement from any individual, group, or organization by a simple majority vote. However, this does not in any way relieve or excuse the individual, group, or organization from safety, health, or legal obligations applicable by this ordinance of other local, county, or state statutes that are in force.

CHAPTERS 15-16 RESERVED

CHAPTER 17 - SUBDIVISION OF LAND

ARTICLE I PURPOSE AND TITLE

§17.101. Purpose

The purpose of this Ordinance is to establish certain subdivision standards and procedures for Port Royal, Virginia, as provided for pursuant to Section 3.1-465, et. seq., Article 7, Title 3.1, Chapter 11 of the Code of Virginia, 1950; as amended.

The articles of this ordinance are part of a long-range plan to guide and facilitate the orderly, beneficial development of the community, and to promote the public health, safety, convenience, and general welfare. More specifically, the purposes of these standards and procedures are: to provide a guide for the change that occurs when land becomes urban in character as a result of development for residential, business, or industrial purposes; to provide assurance that the purchasers of lots are buying a commodity that is suitable for development and use; and to make possible the provision of public services in a safe, adequate and efficient manner.

In addition, these articles establish rules, regulations, procedures, and standards governing the subdivision of land into lots, streets, and other public areas. These articles will provide for the making and recording of plats and certification of such subdivisions, for the approval of plats, for the administration and amendment of such regulations, and the prescription of penalties for violation thereof.

Every owner or proprietor of any tract of land to which these regulations apply, who subdivides such tract as provided in these regulations shall cause a plat of such subdivision, developed and prepared in accordance with these regulations, with reference to known or permanent monuments, to be made and recorded in the office of the Clerk of the Court wherein deeds conveying such land are required by law to be recorded.

§17.102. Title

This ordinance is known and may be cited at the "Subdivision Ordinance of Port Royal, Virginia".

ARTICLE II SUBMISSION and REVIEW PROCEDURES

§17.201. General

Whenever any subdivision of land is proposed, before the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the applicant, or his agent authorized in writing, shall apply for and secure approval and endorsement of such proposed subdivision. Such subdivision shall be recorded in the office of the Clerk of the Circuit Court, and shall be reviewed by the Town Planning Commission and such other officials as required herein. Such subdivision plat shall be approved or disapproved by the Town Council in accordance with procedures specified in these regulations. Any change in a recorded plat shall constitute a re-subdivision and shall make said plat subject to any and all of the regulations in this Ordinance.

§17.202 Preliminary Conference, Preliminary Sketch (Optional)

§17.202.1 Before the preparation of a Preliminary Plat, a sub-divider should confer with the Administrator to discuss the details contained in this Ordinance, the Comprehensive Plan, and other applicable plans and ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of existing plans and ordinances plus any amendments which are pending at the time of the subdivision plat preparation.

§17.202.2 The sub-divider may submit to the Administrator two copies of a preliminary sketch of the proposed subdivision prior to his preparation of engineered Preliminary and Final Plats. The purpose of such preliminary sketch is to permit the Administrator to advise the sub-divider whether his plans in general are in accordance with the requirements of this Ordinance, prior to any appreciable investment on the part of the sub-divider. Such sketch may also be submitted to the Planning Commission for review and comment.

§17.203 Official Submission of Preliminary Plat (Mandatory)

§17.203.1 Plat to be filed with the Administrator - Copies of the Preliminary Plat and all required supporting data shall be officially submitted to the Administrator by the sub-divider. The Preliminary Plat shall be considered the first official submission of a plat for subdivision. Plats shall fully comply with the requirements of Article III, Section 301 of this Ordinance.

§17.203.2 Official Submission of the Preliminary Plat to the Administrator Shall Consist of;

(a) Six (6) legible black-line or blue-line paper prints of the Preliminary Plat as described in these regulations.

(b) Six (6) copies of all other information as required by Section 301.2.

§17.203.3 Filing Fee - The Administrator shall collect a non-refundable filing fee as established by the Governing Body for all subdivisions. The applicant shall pay the fee at the time of submission of a Preliminary Plat.

§17.203.4 Distribution of Preliminary Plat by the Administrator (black-line or blue-line prints) - The Administrator shall promptly send copies thereof to Town and State officials as required, retaining, the other copies for use by the Town.

§17.204 Review of Preliminary Plat

§17.204.1 Review by the Town Planning Commission

- A. The Town Planning Commission shall review such Plat at its next regularly scheduled meeting, provided the submission has occurred no less than ten (10) calendar days prior to such meeting. At the discretion of the Planning Commission the Plat may be reviewed at a properly called special meeting.
- B. During review of the Preliminary Plat, the Town Planning Commission shall seek the advice of the Health Department, the Department of Transportation, and other officials or consultants as necessary. All subdivisions shall be reviewed considering the policies of the Town Comprehensive Plan and the requirements and recommendations of all the ordinances of the Town.
- C. If the Preliminary Plat is approved or disapproved, or the Commission deems changes or modifications of the Plat submitted are advisable or necessary in the public interest, such decision, the reasons therefore, and the ordinance sections relied upon, shall be put in written form by the Administrator. Such notice Shall be sent to the applicant or his agent and the Town Council.
- D. Such report shall be only a notification of Planning Commission activity to the Governing Body. Such report may also include an estimate of the cost of construction of all improvements as required by the Ordinance and the amount of the performance bond which may be required as a prerequisite for approval of the Final Subdivision Plat. In determining the cost of required improvements and the amount of the performance bond, the Commission may consult with a duly licensed engineer who shall estimate the cost of improvements to be furnished by the applicant.
- E. One copy of the Plat with all comments shall be maintained for the permanent records of the Town and one copy shall be sent to the applicant or his agent. The Town Planning Commission shall render its decision and communicate it to the applicant no later than sixty (60) days after application is officially submitted to the Administrator. Failure of the Planning Commission to render such a decision and communicate it within the time and in the manner required shall be deemed an approval by the Commission unless the Town requests an extension of time, and the applicant has agreed in writing, to such extension.
- F. If the Planning Commission requires changes to the Preliminary. Plat, the Plat shall be reviewed at the Commission's next regularly scheduled meeting provided such changes are made to the satisfaction of the Planning Commission and provided that the resubmission has occurred no less than seven (7) days prior to Such meeting.
- G. Approval of Preliminary Plat shall not constitute acceptance of a subdivision for recording and does not constitute a-guarantee of approval of the Final Plat, Approval of this Plat is only an expression of approval of a general plan to be used in preparing the. Final subdivision Plat for final approval and recording upon fulfillment of all requirements of these regulations.

- H. When a Preliminary Plat has been approved, or approved subject to conditions, no subsequent changes or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence with the plan or project and to complete any item for which approval was granted.

§17.205 Official Submission of Final Plat (Mandatory)

Within six (6) months after receiving official notification concerning the Preliminary Plan, the sub-divider shall officially submit a Final Plat to the Administrator. An extension of time may be granted to the sub-divider by the Planning Commission upon written request. Final Plats submitted after this expiration of time, for which no time extension has been granted, shall be considered as a new Preliminary Plat and subject to all regulations in effect at the time of submission.

17.205.1 Plat to be riled with the Administrator - Six (6) copies of the Final Plat and all required supporting data shall be officially submitted to the Administrator. Plats should fully comply with the requirements of Article III, Section 302 of these regulations.

17.205.2 Official Submission of the Final Plat by the Sub-divider to the AdministK4or Shall Consist of:

- A. Six (6) legible black-line or blue-line paper prints of the Final Plat which shall comply with these regulations and two (2) copies of the Final Plat reduced in size to a maximum of eight and one-half (8 1/2) inches by fourteen (14) inches shall be submitted. The reduced copies shall be reproducible and shall be of semi-permanent quality.
- B. Six (6) copies of all other required information including but not limited to the following, if applicable (see Section 302):
 1. Certificate of appropriate approval of the State Health Department and/or State Water Control Board, when required for the water supply or sanitary sewage disposal system(s) for a proposed subdivision. If individual on-site sewage disposal systems are to be used, the applicant shall submit Health Department tentative approval of each lot in the subdivision as having a suitable site for a septic system at the stated lot size. This shall be done on a lot-by-lot basis. This tentative approval does not guarantee the issuance of a permit for a septic system when construction occurs. The State Health Department reserves the right to withdraw any tentative approval at the time a permit for a septic system is applied for.
 2. State Department of Transportation approval of roads and drainage systems.
 3. The performance bond, if required, in a form satisfactory to the Town Attorney and in an amount established by the Planning Commission upon recommendation of a designated engineer shall include a provision that the principal of the bond shall comply with all the terms of the Final Subdivision Plat approval as determined by the Town. All improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town free and clear of all liens and encumbrances on the premises.

§17.206 Review of the Final Plat

§17.206.1 Review by the Town Planning Commission

- A. When a Final Plat drawn in accordance with Article III has been officially submitted, such Plat shall be reviewed by the Town Planning- Commission at its next regularly scheduled meeting, provided such submission has occurred no less than ten (10) calendar days prior to such meeting. At the discretion of the Planning Commission the Plat may be reviewed at a properly called special meeting.
- B. If the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse the Record Plat and one other paper print with - "Reviewed and Approved by the Port Royal Planning Commission" together with the date of such action, and record such action in the minutes, and forward to the Town Council.
- C. If the Final Plat is not approved, the reasons for such disapproval shall be transmitted in writing to the Town Council and the sub-divider.

§17.206.2 Review by Town Council

- A. The Town Council shall not approve any Plat until such plat complies with all Town Ordinances, or until modifications are made, as needed. If not approved, the Council shall return the Plat to the sub-divider with the deficiencies indicated thereon.
- B. Before acting on a Final Plat, the Council may arrange for a public hearing with notice as provided for in Section 3.1-431, Code of Virginia.
- C. If the Town Council approves the Final Plat, the Record Hat shall be endorsed "Approved by the Town Council of the Town of Port Royal", and signed by the Mayor together with the date of action.
- D. A performance guarantee, cash, or other bond, or a certificate of satisfactory installation of improvements as required shall be submitted before the Final Plat is finally approved and endorsed.
- E. The Town Council shall communicate the result of its review of the Final Plat to the sub-divider and the Planning Commission no later than sixty (60) days after the application to: review the plat was officially submitted for approval at the Planning Commission's review meeting.
- F. Should the Town not comply with Subsection (e) above, the applicant may take action in accordance with Section 3.1-475, Code of Virginia, as amended.

§17.207 Recording of Final Plat

§17.207.1 After approval by Town Council and with all endorsements indicated on the Record Plat, the sub-divider shall record his Record Plat in the office of the Clerk of the Circuit Court of Caroline County. No subdivision plat may be legally recorded unless it bears the Town approval. One full size copy shall also be submitted to the Clerk for inclusion in the Plat Book. One copy of the full-size plat Shall be sent to the sub-divider with all review notations thereon.

§17.207.2 Any plat not recorded within six (6) months after final approval by Town Council shall be considered void, and such approval shall be considered withdrawn.

§17.207.3 The recordation of such plat shall operate to transfer, in tee simple, to the Town such portion of the premises platted as is on such

plat set apart for streets, alleys or other public use and to transfer to the Town any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this section shall affect any right of a sub-divider of land heretofore validly reserved.

Provided, that where the authorized officials of the town approve in accordance with this subdivision ordinance, a plat or revised plat of land therein, then .upon the recording of such plat or revised plat in the clerk's office Wherein land records are maintained, all rights-of-way, easements or other interest of the town in the land included on the plat or revised plat, except as shown thereon, shall be terminated and extinguished, except -that an interest acquired by the town by condemnation or by purchase for valuable consideration and evidenced by a separate instrument of record shall not be affected thereby. '

§17.207.4 Any surety bond, approved by the Town Attorney to be posted

by the sub-divider pursuant to the requirements of this Ordinance shall be delivered to the Administrator. The cash bond or check shall be delivered to the Administrator.

§17.207.5 Following disapproval of a plat, all copies of the plat and accompanying documents shall be returned to the sub-divider. The Administrator shall notify him in writing of the reasons for disapproval by Town Council.

ARTICLE III PLAT REQUIREMENTS

§17.301 Preliminary Plat Requirements

§17.301.1 The Preliminary Plat shall be legibly drawn at a scale of one

inch equals a maximum of 100 feet, and may be on more than one (1) sheet, and shall show the following information:

- A. Date of plat and name of the surveyor or engineer preparing the same.
- B. Scale.
- C. Numbering of the sheets comprising the plat.
- D. North meridian, designated "true" or "magnetic", and direction oriented to the top of the sheet and each sheet comprising the plat shall be so oriented.
- E. Name and signature of owner.
- F. Name of Subdivision which shall not duplicate nor too closely approximate that of any existing subdivision in the Town or Caroline County.
- G. Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
- H. Names of all adjoining property owners and the location of their common boundaries together with zoning classifications and including the proposed subdivision.

- I. Historical buildings, structures and sites designated on the Virginia Landmarks Register.
- J. The boundary lines of the proposed subdivision and boundary lines of any larger tract of which the subdivision forms a part, shown on a reduced scale inset.
- K. All adjoining roads and streets with their numbers and/or names.
- L. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the Administrator may require the Preliminary Plat to show a proposed future subdivision of such remaining acreage or a Fort thereof to make certain that proper orientation of future streets may be developed with the platted streets.
- M. Location of existing buildings within the subdivision and within 200 feet thereof.
- N. Location and description of all existing monuments.
- O. Topographical lines, existing and finished, as required for approval of drainage and sewer facilities at vertical intervals of a maximum of two (2) feet.
- P. Proposed location, widths, and names of all streets, easements, and rights-of-way.
- Q. The approximate location, number, dimension, and proposed use of all lots and other areas including: water courses, marshes, impoundments, lakes, and those areas to be used for parking, recreation, commercial purposes, public or governmental use, and existing utility installation.
- R. Proposed lot numbers and block letters.
- S. If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be shown by broken lines and identified.
- T. All water and sewer lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, quarries, strip mines, water courses, tree masses, rock outcrops, and other significant manmade or natural features within the proposed subdivision and within three hundred (300) feet from the boundaries of the proposed subdivision.
- U. All existing streets, including streets of record, easements and right-of-way, including: names, right-of-way widths, pavement widths and approximate grades of such streets or rights-of-way on or abutting the tract.
- V. Location of water supply, sanitary and/or storm sewers and other drainage facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
- W. The 100-year flood plain line as determined from U.S. Department of Housing and Urban Development maps or as determined by a registered engineer, showing appropriate documentation.

17.301.2 Items to Accompany Preliminary Plat

- A. A tentative proposal for providing each building lot with a safe water supply and an adequate means of sewerage in conformance with Town and Health Department Standards.
- B. Preliminary plans and specifications of any streets or public parking areas that are included in the subdivision and any special treatment which will be required in their construction, including the drainage system which will be required and in conformance with the standards of the Town of Port Royal and the Virginia Department of Transportation.
- C. A statement by the sub-divider as to whether or not he proposes to dedicate or reserve land for public use or for the common use of future property owners in the subdivision

and, if so, a statement giving an outline of the terms proposed and acreage involved. If private streets are involved, specific provisions for their maintenance shall be submitted.

- D. A statement summarizing proposed restrictive covenants and reservations.
- E. All erosion and sediment control plans.
- F. A check payable to the Town of Port Royal to cover the required fees.

§17.302 Final Plat Requirements

§17.302.1 The Final Plat shall be prepared by a surveyor or civil engineer, who shall endorse upon such plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.

§17.302.2 The Final Plat shall be substantially in accordance with the Preliminary Plat (together with any changes or additions required by the Planning Commission as a requirement for its approval), except that a Final Plat may include all or any part of the area covered by the Preliminary Plat.

§17.302.3 The Final Plat shall be legibly and accurately drawn upon Sheets having a size of a minimum of 8 inches by 14 inches. The plat shall be drawn at a scale of 1-inch equals between a foot and 100 feet. If the subdivision is shown on more than one sheet, the sheet number, total number of sheets and subdivision name shall be shown on each sheet, and match lines shall clearly indicate where the several sheets join.

§17.302.4 The Final Plat shall also show the following details:

- A. A boundary surveys.
- B. Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision; names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas.
- C. All dimensions shown in feet and decimals of a foot to the closest one-hundredth of a foot; and all bearings and degrees, minutes and seconds, to the nearest ten seconds.
- D. Curve data showing radius, delta and arc either at the curve or in a curve data table.
- E. Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.
- F. Number of each lot and letter or number of each block.

§17.302.5 If any land or water areas are being dedicated or reserved for streets, alleys, parking space, or for other public use, or for the common use of future property owners of the subdivision, the Final Plat shall so state and indicate such proposed use.

§17.302.6 The Final Plat shall show or have appended to it an unexecuted copy of a proposed Certificate of Owner's Consent to Subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees and lienholders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

§17.302.7 The Final Plat shall provide on the first sheet space for:

- A. The surveyor's certificate, as to title.

- B. The surveyor's certificate, as to monuments.
- C. All restrictive covenants, or reference thereto.
- D. A 3 inch by 5-inch space to approval by the-Planning Commission and Town Council.

§17.302.8 Documents to Accompany Final Plat.

When submitted to the Administrator, all Final Plats shall be accompanied by the following:

- A. Water supply and sewerage facilities plan, acceptable and in conformity with standards of the Town of Port Royal and the Virginia Department of Health and Water Control Board, stating that each building lot will have a safe water supply and an adequate means of handling sewage.
- B. Plans for all streets, street signs and drainage systems acceptable and in conformity with the standards of the Town of Port Royal.
- C. (A cash bond, certified check, or surety performance and payment bond, acceptable to the Town Attorney, with escrow clause for the cost of the improvements. These are to insure the completion of all improvements required under this Ordinance; provided all improvements as required by this Ordinance have not been completed.
- D. An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the sub-divider and duly acknowledged before sane officer authorized to take acknowledgements of deed, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Said copy shall:
 - 1. Contain a correct description of the land subdivided and state that said subdivision is with the free consent and in accordance with the desire of the undersigned owners, proprietors,, and trustees, if any.
 - 2. Contain language such that when the deed is recorded it shall operate to transfer in fee simple to the Town of Port Royal such portion of the platted premises as is on such Plat designated and set apart for public streets, alleys, or other public use and to grant such easements as are shown on such plat to create a public right of passage over same.
 - 3. Contain all protective or restrictive covenants and including provision for the maintenance of private streets, if any.
- E. A check payable to the Town of Port Royal to cover all required fees.

17.302.9 An Erosion and Sedimentation Control Plan approved by the appropriate agent in accordance with the Erosion and Sedimentation Control Ordinance

ARTICLE IV DESIGN STANDARDS

§17.401 Suitability of Land

§17.401.1 Land encumbered by any of the following characteristics may be deemed by the Planning Commission as being unsuitable for subdivision or development:

- A. Land lying within a 100-year flood area designated by the Flood Insurance Study and accompanying maps as completed by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, Federal Emergency Management Agency.

- B. Land having physical characteristics, such as poor drainage, excessive slope, etc., the subdivision of which would increase danger to health, life, or property or aggravate erosion or flood hazard.
- C. The Planning Commission may recommend the subdivision or development of any land provided that:
 - 1. Sufficient and is available in each lot to provide a building site free from flood or other danger.
 - 2. The developer installs land preservation improvements as may be required to prevent increased danger to health, life or property and to render the land safe and otherwise acceptable for development, with such safeguards being approved by the appropriate regulatory agency.

§17.401.2 Subdivision plats shall give due recognition to the policies of the Comprehensive Plan and to other plans and ordinances of the Town or to such parts thereof as may have been adopted pursuant to statute. In connection with this Section, the Planning Commission may require the sub-divider to furnish topographical maps, elevations, flood profiles and other relevant data as necessary.

§17.401.3 All required or site improvements Shall be installed by the applicant at his cost. Before any subdivision plat will be finally approved, the applicant shall install the required improvements to the satisfaction and approval of the appropriate engineer (Town, Department of Transportation, and/or other), or in lieu of construction, shall certify that the costs of construction have been paid to the person(s) completing the requirements, or shall furnish bond or cash in an amount calculated by the Planning Commission with the necessary assistance of appropriate engineers, to secure the required improvements for the subdivision which the sub-divider has submitted for final approval. Such bond shall be payable to and held by the Town Council. The form of such bond shall be approved by the Town Attorney. The applicant's bond or portion thereof, shall not be reduced by Town Council until construction relative to correspondence or portion thereof has been inspected and approved.

§17.402 Streets

§17.402.1 All streets, including private streets shall meet the State Department of Transportation standards for secondary roads.

§17.402.2 Streets shall connect with existing streets and shall provide access to adjoining subdivisions insofar as practical as determined by the Planning Commission.

§17.402.3 Streets shall intersect at as near right angles as practical. Offset or jogs shall be avoided. No street shall intersect another street at an angle of less than 80 degrees.

§17.402.4 Where the Planning Commission deems it necessary to provide access to adjacent tracts, proposed streets in the subdivision shall be extended to the boundary lines of such adjacent tracts. Temporary turnaround shall be provided at the ends of such streets, by means of temporary easements or otherwise.

§17.402.5 Where lots in a subdivision abut on one side of an existing public right-of-way, the sub-divider or developer shall be required to dedicate such additional land so that the

distance as measured from the center line of the right-of-way to the subdivision property line shall be one-half of the required width of the right-of-way. The width shall be as required by the Town of Port Royal or as required by the Virginia Department of Transportation (VDOT), where applicable.

§17.402.6 Half-streets along the boundary of land proposed for subdivision or development shall not be permitted.

§17.402.7 Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. In no case, however, shall the names of other proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on subdivision plats and site development plans and shall be approved by the Town Council. Names of existing streets shall not be changed except by approval of the Town Council.

§17.402.8 Streets shall have a minimum right-of-way of 50 feet.

§17.402.9 Dead-end streets (cul-de-sacs) designed to have one end permanently closed, shall be no longer than 700 feet and shall be provided with a permanent turnaround, the diameter of which shall be a minimum of 100 feet. Any dead-end street intended for access to an adjoining property or because of authorized staged development shall be provided with a temporary all-weather turnaround within the subdivision.

§17.402.10 All streets and their drainage facilities shall be designed

in compliance with the requirements of the standard design criteria, standard specifications and standard details for storm drain and street construction, for the Virginia Department of Transportation (VDOT).

§17.402.11 Street identification signs of a design approved by the Town Council and readable from either side, shall be installed at all intersections.

§17.403 Lots

§17.403.1 The lot arrangement, design, and shape shall be such that

lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to requirements of this Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area which would be unusable for normal purposes.

§17.403.2 Excessive lot depth in relation to lot width shall be avoided: A ratio of depth to width of two to one shall be considered optimum.

§17.403.3 Each lot shall abut on a street dedicated by the subdivision

plat or an existing dedicated public street, except that private streets may be permitted where an acceptable arrangement for maintenance is provided, either through the creation of a condominium association or through the creation of a homeowner's association with an appropriate provision to be included in the deed of each parcel to be sold, or through the owner

as in a mobile home park, with guarantees. Such private streets shall be clearly labeled "Private Street".

§17.403.4 Side lines of lots shall be approximately at right angles or radial to the right-of-way line.

§17.403.5 Where the land covered by a subdivision includes two or more parcels in separate ownership, and lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to single ownership, simultaneously with the recording of the Final Plat. Said deed is to be, deposited with the Clerk of the Circuit Court of Caroline County and held with the. Final Plat until the sub-divider is ready to record same, and they both shall then be recorded together.

§17.403.6 Lot size - The Planning Commission shall require that

tentative approval of the Health Department be submitted as a basis for evaluating the lot sizes of subdivisions dependent upon individual on-site water and/or sewer systems. The Town shall not approve any subdivision unless tentative approval from the Health Department is given on a lot-by-lot basis stating that the proposed lots have satisfactory sites for the proposed water and sewer systems at the proposed lot size. The issuance of tentative approval does not guarantee the issuance of a permit when application is made for a septic system at time of construction. The Health Department reserves the right to reject an application for a septic system based on specific further testing.

§17.404 Easements

§17.404.1 Easements for utilities shall be provided in the location and to the width designated by the Town Council after receiving recommendations from the appropriate utility companies. In no case shall easements be less than ten (10) feet wide.

§17.404.2 Where a subdivision is traversed by a stream or other natural drainage-way the Town Council may require dedication of a suitable right-of-way or easement for storm water drainage, or the construction of adequate water drains.

§17.405 Special Flood Plain Requirements

§17.405.1 Sanitary Sewer Facilities - All new or replacement sanitary

sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems, and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

§17.405.2 Water Facilities - All new or replacement water facilities

shall be designed to minimize or eliminate infiltration of flood- waters into the system, and be located and constructed to minimize or eliminate flood damages. Whenever an existing public or approved community water system is determined by the Town to be geographically and economically accessible to a proposed subdivision, the applicant shall provide an approved

distribution system which shall be designed to connect with such system in accordance with State Health Department standards. A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the Final Plat. Suitable agreements shall also be established for the ownership and maintenance of such distribution system. In accordance with these regulations, the applicant may be required to provide his own community water system.

§17.406 Drainage Facilities

§17.406.1 Storm sewers-and related installations shall be required of the sub-divider only when the run-off of storm water cannot be satisfactorily handled within the street right-of-way as determined and required by the Virginia Department of Transportation.

§17.406.2 In the design of storm drainage facilities, problems shall be

avoided which may arise from the concentration of storm water run-off onto adjacent developed or undeveloped properties or the collection of water at low points in the subdivision and along streets. Water shall be drained away from on-site sewage disposal facilities. Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the watershed is fully developed.

§17.407 Utilities

All utilities such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

§17.408 Mobile Home Parks

As of the effective date of this ordinance, no new mobile home parks nor the expansion of existing mobile home parks shall be permitted within the corporate limits of the Town of Port Royal (see Mobile Home Park definition).

ARTICLE V REQUIRED IMPROVEMENTS

§17.501 Responsibility for Required Improvements

Subdivision plats shall conform to the requirements of this Ordinance. All Improvements shall be installed at the cost of the developer. No person shall commence the construction of any required improvement without obtaining permits as required.

§17.502 Monuments

§17.502.1 Permanent reference monuments shall be placed in the center line of all streets at all points of curvature, points of tangency, points of compound curve, reverse curve and intersections of streets and alleys.

§17.502.2 Such permanent reference monuments shall be of stone or reinforced concrete, at least 24 inches long and 4 inches square with a suitable center point and shall be set flush with the finished grade.

§17.502.3 Solid metal pins or steel pipe not less than 3/4 inches in diameter and at least 24 inches long shall be set in place flush with the finished grade at the following points:

1. At all intersections of streets and alleys with the subdivisions boundary lines.
2. At all points and boundary lines where there is a change in direction or curvature.
3. At all lot corners.

§17.503 Drainage

A drainage system, when required by the VDOT, shall be provided for by means of culverts, ditches, catch basins and any other facilities that are necessary to provide adequate drainage and disposal of surface and storm waters. Such drainage system shall be in compliance with the regulations of the Virginia Department of Transportation man, where applicable.

§17.504 Street Identification Signs

Street identification signs shall be installed as per requirements and standards tor the Town of Port Royal.

§17.505 Location of Utility Structures

All utilities or underground conduits for electric power lines or telephone lines shall be placed underground in easements provided along the rear or side lot lines, whenever possible. All gas, water, and sewer mains shall be installed underground. All utilities of this nature shall be installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

§17.506 Water Service

Public water service shall be extended to all lots within the subdivision by' the sub-divider or developer. The water facilities shall be in compliance with regulations of standard design criteria, standard specifications and standard details for water mains for the Town of Port Royal unvirginal Department of Health.

§17.507 Sewerage Service

Individual septic tanks with approval of the Health Department may be installed after appropriate review and approval by the Town.

ARTICLE VI DEFINITIOUS

§17.601 Words and Terms

For the purpose of this Ordinance, certain words and terms used herein shall be interpreted and defined as follows: Words used in the present tense include the future tense, the singular includes the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "plot," and "parcel"; the word "shall" is mandatory and not advisory; the word "approve" shall be considered to be followed by the words "or disapprove"; any reference to this Ordinance includes all ordinances amending or supplementing the same; and all distances and areas refer to measurements in a horizontal plane.

ADMINISTRATOR - The Subdivision Administrator who has been appointed by the Council to administer the subdivision process stated in these regulations.

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

APPLICANT - The owner of land proposed to be subdivided or his representative authorized in writing. A subdivide.

BOND - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. All bonds shall be approved by the Town's Attorney whenever a bond is required by these regulations.

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

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

CLERK - The Clerk of the Circuit Court of Caroline County.

COMMISSION - The Planning Commission of the Town of Port Royal, Virginia.

COMPREHENSIVE PLAN - "The Comprehensive Plan" officially adopted by the Town Council.

COUNCIL - The Town Council of Port Royal, Virginia.

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

DEDICATION - The deliberate appropriation of land by its owner for any general and/or public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEVELOPER OR SUBDTVIDBR - An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity having legal title to any tract of land or parcel of land to be developed in planning, negotiation or in representing or executing the requirements or the ordinances of-the Town of Port Royal.

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

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

FINAL PLAT - A map or plat of a subdivision properly filed with and approved, or to be approved, by the local governing body.

FRONTAGE - That side of a lot abutting on a street and ordinarily regarded as the front of the lot. The shortest distance between the side lines of any lot measured along a line generally paralleling the street upon which the lot fronts.

GOVERNING BODY - The Town Council of the Town of Port Royal.

HEALTH OFFICER - The health director or sanitarian of Caroline County, Virginia.

HIGHWAY ENGINEER - The Resident Engineer serving the Town of Port Royal, Virginia, or the Department of Transportation (VIM) of Virginia, or his designated deputy.

LOT - A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development for a single building or accessory building or, in the case of land not transferred for sale, a measured parcel of land having fixed boundaries, and designated on a plat or survey showing the metes and bounds or simply described NY metes and bounds.

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

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

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

DOT, DOUBLE FRONTAGE - An interior lot having frontage on two (2) streets.

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

LOT, OF RECORD - A lot which has been recorded in the office of the Clerk of the Circuit Court of Caroline County.

TJOT, WIDTH OF - The average horizontal distance between the side lot lines.

MOBILE HOME PARK - an area in which there are located more than two (2) mobile home units per acre (see Net Acre definition).

NET ACRE - all private property, not to include public easements or rights-of-way, whether such acreage is an individual parcel, combination of lots, or subdivision or resub division designed to circumvent the intent of this ordinance.

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

PERFORMANCE BOND - A letter of credit, corporate surety or cash deposit; approved by Council in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvements within a definite period of time. (A performance and payment bond also provides for the payment of subcontractors.)

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

PLANNER - A person qualified to prepare plats either licensed as such; 'or meeting the standards for membership of the American Institute of Certified Planners.

PLAT - A drawing of a survey of a tract or parcel of land prepared by an engineer or surveyor.

PRELIMINARY; MAT A preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for preliminary approval.

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

RECORD PLAT - The copy of the Final Plat which contains the original endorsements of the Planning Commission and the Town Council and which is intended to be recorded with, and meets the requirements of the Clerk of the Circuit Court of Caroline County.

RESUBDIVISION - A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line thereon; or if it affects any map or plan legally recorded as a subdivision prior to the adoption of any regulations controlling subdivisions.

RIGHT-OF WAY - A strip of land occupied 'or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, watermain, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels and adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which each right-of-way is established.

STREET, LOCAL - Any existing or future street shown as a: local street on the adopted Comprehensive Plan and is used primarily as a means of public access to the abutting properties with anticipated traffic of less than four hundred (400) vehicles per day.

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

SUBDIVIDE - To divide any tract, parcel or lot of land into two or more parts for the purpose of transferring ownership of any part or for the purpose of building development on any part. The term "subdivide" includes the term "re-subdivide" and when appropriate to the context shall relate to the process of subdividing. Mobile borne parks shall be considered subdivisions (see Mobile Home Park definition).

SUBDIVISION - The process of subdividing or the result of subdividing.

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

VARIANCE - A variance is a relaxation of the terms of the Subdivision 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.

ARTICLE VII GENERAL REGULATIONS

§17.701. Administration

The administration and enforcement of these regulations, insofar as they pertain to public improvements required herein, shall be vested in the Town Council. Except as provided above, administering and enforcing of the provisions of this Ordinance shall be carried out by the Administrator. The Planning Commission shall review and recommend approval or disapproval of subdivision. plats in accordance with this Ordinance. In the performance of its duties, the Commission. may call for verbal or written opinions or decisions from other departments of the Town, as well as pertinent reports from State and other local government departments, including consultants where deemed necessary, in considering details of any proposed subdivision plat. The right is reserved by the Town Council to elect by Resolution of record, whether it will or will not accept the dedication of any proposed subdivision street, alley or other public improvements.

§17.702. Interpretation

The standards and procedures contained herein are declared to be the minimum requirements for the promotion of the public health, Safety, convenience and welfare.

§17.703. Issuance of Permits

No official of the Town shall issue any permit, building permit, or occupancy permit for any structure on any land subdivided or developed as herein defined after the effective date of this Ordinance without fully complying with the provisions of this Ordinance.

§17.704 Variations and Exceptions

§17.704.1 Where the sub-divider or developer can show that a provision of this Ordinance if strictly adhered to and where because of topographical or other conditions peculiar to the site would result in a hardship to him, the Town Council may vary, modify or waive the requirements of this Ordinance when the intent of this Ordinance would be preserved and the public interest secured.

§17.704.2 The provisions of this Ordinance shall not apply to the partition or development of any tract of land ordered by a Court of competent jurisdiction.

§17.704.3 A petition for any variance shall be submitted in writing by the sub-divider at the time when the Preliminary Plat is filed for consideration. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

§17.704.4 This Article shall not apply to acquisition of lands by the Town to construct new streets and to widen existing public streets, ways, and alleys.

§17.705 Violation and Penalty

§17.705.1 It shall constitute a violation of this Ordinance for any person or agent to disobey, neglect or refuse to comply with any of its provisions.

§17.705.2 Any violation of this Ordinance shall constitute a Class 3 misdemeanor, punishable by a fine of \$500,00 for each lot or parcel of land so subdivided or developed or sold. Each day during which such violation shall occur represents a separate violation.

§17.705.3 Any person who knowingly and intentionally makes any false statement relating to a material fact for the purpose of complying with the requirements of this Ordinance shall be guilty of a Class 3 misdemeanor, and upon conviction thereof shall be punished in accordance with the statutes of the Commonwealth of Virginia existing at the time for misdemeanor violations.

§17.705.4 All departments, officials and public employees of the Town of Port Royal vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. Any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

§17.705.5 Where there has been a violation of this Ordinance, the Town may, notwithstanding the imposition of any fine in accordance with this section, seek equitable relief to enjoin any violation, in any Court of competent jurisdiction.

§17.706 Appeals

Any person aggrieved try the decision of the Administrator or any administrative official whose decision is required pursuant to this Ordinance may appeal, in writing, such decision to Town Council within thirty (30) days.

§17.707 Fees

The Town Council, by resolution, shall establish a schedule of fees to compensate the Town for costs incurred for administration, examining subdivision plats, making investigations, advertising, travel, and other work incidental to the approval of subdivision plats.

§17.708 Vacation of Plat

Any plat of record may be vacated in accordance with the provisions of the Section 3.1-481, et. seq. of the Code of Virginia (1950), as amended.

§17.709 Private Contracts

This Ordinance bears no relation to any private easement, covenant, agreement or restriction; nor is the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein to any public official unless required by the ordinance. When the Ordinance calls for more restrictive standards than are required by private contracts, the provisions of this Ordinance shall control.

ARTICLE VIII EFFECTUAL CLAUSES

§17.801 Severability of Ordinance

If any section, clause, sentence, phrase or word, of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

CHAPTER 18 - TAXATION

§18.100. License Fee and Tax Schedule

Every person or business subject to this Ordinance shall be assessed and required to pay an annual fee of \$10.00. The following is the tax rate fee for each person or business:

- A. **Contractors and Persons Constructing for their Own Account for Sale:** \$0.3 per \$100.00 of gross receipts.
- B. **Retail Sales:** \$0.3 per \$100.00 of gross receipts.
- C. **Financial, Real Estate and Professional Services:** \$0.3 per \$100.00 of gross receipts.
- D. **Repair, Personal and Business Services and all other Business and Occupations not Specifically Listed or Excepted in this Ordinance or Otherwise by Law:** \$0.20 per \$100.00 of gross receipts.
- E. **Motor Vehicles or Sales:** \$0.20 per \$100.00 gross receipts.
- F. **Wholesalers:** \$0.05 per \$100.00 of purchases.
- G. **Carnival, Circuses and Speedways:** \$500.00 for each performance of the traveling circus, carnival or shows giving performances in the Town, in the open-air, in a tent or tents, except that of local non-profit organizations or existing churches in the Town i.e., Port Royal Volunteer Fire Company and Rescue Squad, Port Royal Ruritans, Old Port Royal School, Inc., Historic Port Royal, Inc., St. Peter's Episcopal Church, Shiloh Baptist Church, and Memorial Baptist Church hosting fund raising events utilizing above named enterprises shall be exempt from this tax.
- H. **Direct Sellers:** as defined in Section 58.1-3719.1 of the Code of Virginia with the total annual sales in excess of \$4,000.00: \$0.3 per \$100.00 of retail sales or \$0.3 per \$100.00 of wholesale sales, whichever is applicable.
- I. **Savings and Loan Associations and State Chartered Credit Unions:** \$50.00 per year. This tax shall be levied only where the main office of such association or Credit Union is located in the Town.
- J. **Fortune-Tellers, Clairvoyants and Practitioners of Palmistry:** \$1,000.00 per year.
 - (i) Any person who engages in such business as a Fortune-Teller without said license shall be guilty of a Class 3 Misdemeanor.
- K. **Massage Parlors:** \$500.00 per year.

L. Public Service Corporations:

1. **Electric Light and Power:** Every person engaged in the business of furnishing light and power for domestic, commercial and industrial consumption in the Town shall pay for the privilege of doing business. An annual license tax of one-half (1/2) of one (1) percent of the gross receipts accruing from sales of the ultimate consumer within this Town for the preceding year.
2. **Private Water Companies:** Every person engaged in the business of furnishing water from private water sources for domestic, commercial, and industrial consumption in the Town shall pay for the privilege of doing business. An annual license tax of one-half (1/2) of one (1) percent of the gross receipts accruing from sales to the ultimate consumer within this Town for the preceding year.
3. **Telephone Companies:** Every person engaged in the business of furnishing telephone service for domestic, commercial and industrial use in the Town shall pay for the privilege of doing business. An annual license tax of one-half (1/2) of one (1) percent of the gross receipts derived from business from local exchange service within the Town of the preceding year.

M. Itinerant Merchants or Peddlers: \$500.00 per year.

N. Photographers: \$10.00 per year.

If the calculated fee is less than \$30.00 then a flat fee of \$30.00 along with the annual fee will be required; whichever is greater.

All Businesses Physically Located in the Town of Port Royal are required to obtain a Zoning Use Permit before conducting business. This includes conducting a business from home, a commercial location, or change in ownership. A copy of the approved Zoning Use Permit shall be submitted with the Business License Application.

If the type of Business has been checked as one of the below, the following documents shall be submitted with the Zoning Use Permit:

- A. **Individuals:** Submit a copy of a "Fictitious Name Certificate." However, this may be omitted if there is not a business name and the full legal name is used as the business name.
- B. **Partnerships:** Submit a copy of a "Fictitious Name Certificate" and a copy of a notarized partnership agreement. This is an agreement written by all parties involved or written by an attorney. There is not a special form for filing this agreement.
- C. **Corporation or Other:** If the company has a trade name, then submit a copy of the "Fictitious Name Certificate."

The application will not be processed or the license issued until all required documentation is submitted.

CHAPTER 25 – ZONING

ARTICLE I - PURPOSE AND INTENT

The boundaries of districts established by this ordinance are shown on the official Zoning Map which is hereby incorporated into the provisions of this ordinance. The zoning map in its entirety, including all amendments, shall be as much a part of this ordinance as if fully set forth and described herein.

ARTICLE II - DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows: Words used in the present tense include the future. Words in the singular include the plural, and the plural includes the singular. The masculine includes the feminine and the feminine the masculine.

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

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

ADMINISTRATOR, THE: The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the governing body. He may serve with or without compensation as determined by the governing body.

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

APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed, located, or found.

2BASEMENT: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations.

BUILDING: Any structure having a roof supported by columns or *walls* for the housing or enclosure of persons, animals, or chattel.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the ground surface along 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.

BUILDING, MAIN: The principal building or the building housing the principal use on the lot.

CELLAR: A story having more than one-half (1/2) of its height below grade.

COMMISSION, THE: The Planning Commission of the Town of Port Royal, Virginia.

DWELLING: Any building which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, recreational vehicles.

DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than two (2) families.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING UNIT: One (1) or more rooms in a dwelling designed for living or sleeping purposes, and having one (1) kitchen.

FAMILY CARE HOME, FOSTER HOME, OR GROUP HOME: A residential structure established to serve mentally retarded or other developmentally disabled persons, not related by blood or marriage.

FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

GARAGE, PRIVATE: Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

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

GOVERNING BODY: The Town Council of Port Royal, Virginia.

GUEST ROOM: A room which is intended, arranged or designed to be occupied, or which is occupied, by one (1) or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking.

HOME GARDEN: 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.

HOME OCCUPATIONS: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display of goods, and no employees, other than members of the family residing on the premises. Such may include professional offices such as medical, dental, legal, engineering and architectural, conducted within a dwelling by the occupant.

HOTEL: A building designed or occupied as the temporary abiding place of ten (10) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not made for cooking in individual rooms or suites.

KENNEL: A place prepared to house, board breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

LOT: A parcel of land occupied or to be occupied by a main

building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width, and lot area as are required by this 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.

LOT, CORNER: 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.

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

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

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

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

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

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

MOBILE HOME: A structure intended for residential use only and transported in one (1) or more section(s) which is 8' or more in width and 40' or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning, and electrical systems.

2-37 MOBILE HOME PARK: Any area designed to accommodate more than two (2) mobile homes intended for residential use where residence is in mobile homes exclusively.

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

PRE-EXISTING: Existing at adoption of this ordinance.

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

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

RESTAURANT: Any building in which, for compensation, food and/or beverages are dispensed for consumption on the premises.

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 but not limited to the following, which will serve as illustration: medical and legal offices, drug store, 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 shop.

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

SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface of 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 (4) square feet in area is excluded from this definition. 2-45-2 Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of dwelling.

Business. A business sign which directs attention to a product, commodity, or service available on the premises.

Home Occupation. A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of dwelling.

HOTEL: A building designed or occupied as the temporary abiding place of ten (10) or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not made for cooking in individual rooms or suites.

KENNEL: A place prepared to house, board breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

LOT: A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width, and lot area as are required by this 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.

LOT, CORNER: 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.

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

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

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

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

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

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

MOBILE HOME: A structure intended for residential use only and transported in one (1) or more section(s) which is 8' or more in width and 40' or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning, and electrical systems.

MOBILE HOME PARK: Any area designed to accommodate more than two (2) mobile homes intended for residential use where residence is in mobile homes exclusively.

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

PRE-EXISTING: Existing at adoption of this ordinance.

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

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

RESTAURANT: Any building in which, for compensation, food and/or beverages are dispensed for consumption on the premises.

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 but not limited to the following, which will serve as illustration: medical and legal offices, drug store, 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 shop.

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

SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface of 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 (4) square feet in area is excluded from this definition.

General Advertising. A sign which directs attention to a product, commodity, or service available other than on the premises.

Location. A sign which directs attention to the exact or approximate location of an establishment from which the advertised product may be obtained.

Directional. A directional sign is one (one end of which may be pointed, or on which an arrow may be painted) indicating the direction to which attention is called, is two (2) square feet or less in area, and gives the name only of the firm, or business responsible for the erection of same.

SIGN STRUCTURE: Includes the supports, uprights, bracings and/or framework of any structure, be it single-faced, double-faced, v-type, or otherwise, exhibiting a sign.

SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity. Temporary signs shall conform in size and type to directional signs.

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

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 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 permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs, etc.

TOURIST COURT, AUTO COURT, MOTEL, CABINS, OR MOTOR LODGE: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space provided on the premises. Cooking facilities are not provided for each unit.

TOURIST HOME: A dwelling where only lodging is provided for compensation for up to ten (10) persons, as distinguished from hotels and boarding houses, and open to transients.

VARIANCE: *See* "Article IX - Provisions for Appeal" of this Ordinance.

YARD: An open space on a lot 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 line or street line, and 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 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 extending from the front yard line to the rear yard line.

ARTICLE III - RESIDENTIAL DISTRICT R-1

Statement of Intent

This district is composed of certain quiet, low-density residential areas plus certain vacant areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district to promote and encourage a suitable environment for family life. Associated uses are envisioned, such uses to be of a character unlikely to develop concentrations of traffic, noise, crowds of customers or outdoor advertising. To these ends development is limited to single-family dwellings and individual mobile homes of not more than four to the acre on individual lots of at least one-quarter (1/4) acre. Certain additional uses are permitted such as schools, parks, churches and certain public and private facilities that do not detract from this low intensity residential use.

§25.300 Use Regulations

Only one main building and its accessory buildings may be erected on any lot of record and/or lot created under provisions found in 3-4-1 herein in the residential district R-1. Structures to be erected or land to be used shall be for the following uses:

1. Single family dwellings
2. Public and semi-public uses such as schools, churches, playgrounds and parks.
3. Accessory buildings as defined; however, garages or other accessory buildings such as car ports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than three (3) feet to any property line.
4. Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities.

§25.301 Permitted by Special Use Permits

The following uses are permitted when authorized by the Town Council of Port Royal after a recommendation from the Planning Commission.

1. Professional offices such as but not limited to medical, dental, legal, engineering and architectural conducted within a dwelling by the occupant.
2. Tourist homes.
3. Family care homes
4. Home occupations conducted by the occupants.
5. Signs as follows:
 1. Signs to advertise the sale or rent of the premises upon which the sign is erected up to six (6) square feet in total area.
 2. Church bulletin boards, up to thirty (30) square feet in total area.
 3. Directional signs up to two (2) square feet in total area.
 4. Home Occupation signs up to four (4) square feet in total area.
 5. Illumination of all signs shall be indirect, with the light source shielded from direct view.

§25.302 Area regulations.

1. For residential lots created after the adoption of this ordinance, and containing or intended to contain only a single-family dwelling served by public water systems but having an individual sewage disposal system, the minimum lot area shall be one-quarter (1/4) acre.
2. All pre-existing lots legally created prior to the adoption of this ordinance are hereby considered approved.

§25.303 Setback regulations

1. A new structure shall be set back from the property line a distance of at least fifteen (15) feet. The setback of pre-existing structures is considered to be appropriate and approved.
2. Frontage Regulations: fifteen (15) feet.

§25.304 Yard Regulations

1. Side. A minimum of five (5) feet of space shall be left from the side lot line to appropriately maintain the structure.
2. Rear. A new structure shall be set back at least fifteen (3) feet from the rear property line. The rear yard of pre-existing structures is considered appropriate and approved.

§25.305 Height Regulations

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

1. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt from these regulations.
2. No accessory building which is within twenty (20) feet of y party lot line shall be more than one (1) story height. All accessory buildings shall be less than the main building in height.

ARTICLE IV - RESIDENTIAL DISTRICT - R-2

Statement of Intent

This district consists of three (3) scattered pre-existing mobile home parks. These parks contain thirty-three (33), nine (9), and nine (9) units respectively. It is the intent and purpose of these regulations to prohibit the creation of additional mobile home parks and to prohibit the expansion of these existing mobile home parks. It is the intent, however, of these regulations to allow these existing parks to continue to exist with the number of mobile home spaces remaining constant.

§25.400 Use Regulations

1. Individual mobile homes on lots within a mobile home park.
2. Accessory uses and structures.
3. Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewer facilities.
4. Lot area, frontage, and yard requirements within designated mobile home parks: Not regulated.

ARTICLE V - BUSINESS DISTRICT B-1

Statement of Intent

Generally, this district is intended for the conduct of general business to which the public requires direct and frequent access, but business on such property is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by any nuisance factors, other than those occasioned by incidental light and noise of congestion of people and passenger vehicles. Owners of non-business structures or areas in this district shall have the option of converting all or in part to a business use. Once converted entirely to a business use the structure or area shall henceforth conform to the regulations of the business district. This district includes such uses as retail stores, banks, theaters, business offices, and restaurants.

§25.500 USE REGULATIONS

In Business District B-1, structures to be erected or land to be used shall be for one or more of the following uses.

1. Retail stores and shops
2. Government office buildings
3. Retail food stores.
4. Banks and savings and loan offices.
5. Restaurants.
6. Jewelry stores.
7. Wearing apparel stores.
8. Drug stores.
9. Barber and beauty shops.

10. Home appliance sales and services.
11. Hardware stores.
12. Theaters.
13. Libraries.
14. Auto parts and accessories stores.
15. Furniture stores.
16. Department stores.
17. Florist and gift shops.
18. Hotels, motels, and inns
19. Clubs and lodges.
20. Bakery
21. Video sales and rentals.
22. Sporting goods shops.
23. Pawn shops.
24. Public and semi-public uses, including churches, schools, libraries, museums, parks and non-commercial recreational facilities such as but not limited to boat docks and ramps.
25. Public utilities - transformer substations, transmission lines and towers and other facilities for the provision and maintenance of public utilities and water and sewage installations.
26. Off-street parking as required by this ordinance; public and private off-street parking lots.
27. Accessory uses and structures for those principal uses contained herein are permitted.

§25.501 Uses Permitted by Special Use Permit

The following uses are permitted when authorized by the Town Council of Port Royal after a recommendation from the Planning Commission.

1. Gasoline filling stations for the servicing of and making minor repairs to motor vehicles (when such repair is done within a completely enclosed structure); garages for storage and repair of motor vehicles (when in completely enclosed structure).
2. Pet shops.
3. Signs as follows:
 - a. Any number of Business signs not to exceed a total square footage on the property of one (1) square foot for each linear foot of frontage on the street on which the business fronts.
 - b. Locational and Directional signs (one each) not to exceed fifteen (3) square feet each.
 - c. All pre-existing Business, Directional, and Locational signs are considered approved.
4. Area and Frontage Regulations: Not regulated.

§25.502 Height Regulations

Buildings may be erected up to forty-five (45) feet in height from grade.

1. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt from these regulations.

§25.503 Setback Regulations

No new structure shall be located closer than twenty-five (25) feet to the street right-of-way line (front property line).

Pre-existing structures are considered approved.

No other setback or yard requirements are stated.

§25.504 Requirements for Permitted Uses

Before a zoning permit shall be issued or construction begun on any permitted use in this district, detailed site plans indicating compliance with the substantive provisions of this ordinance shall be submitted to the Zoning Administrator for study. Modifications of the plans may be required as per the requirements of this ordinance.

§25.505 Boundaries

The Business District, B-1, shall include all the area of the Town west of Route 301 and the area of the Town on the east side of Route 301 between Route 301 and the rear property lines of the lots or areas fronting on Route 301.

ARTICLE VI - PRE-EXISTING USES

§25.600 Continuation

1. If at the time of enactment of this ordinance, there is any legal activity which is being pursued, or any lot or structure legally utilized, such use or activity may be continued as herein provided.
2. If any change in title or possession, or renewal of a lease of any such lot or structure occurs, the use may be continued.
3. Permits Previously Issued. The construction or use of a 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.

§25.601 Expansion or Enlargement

1. A pre-existing structure may be extended or enlarged so long as the extension or enlargement shall conform with the provisions of this ordinance.
2. A pre-existing 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.
3. Pre-existing Lots. Any 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 by any owner or subsequent owner as long as the requirements of this ordinance regarding setbacks, side and rear yards, are met.

§25.602 Restoration or Replacement

Any pre-existing activity use or structure destroyed or damaged in any manner may be reconstructed or recreated to the same extent as existed prior to destruction or damage.

ARTICLE VII - SPECIAL PROVISIONS

§25.700 Minimum Off-Street Parking

1. There shall be provided at the time of construction of any main building or at the time any main building is enlarged (for that enlarged portion), minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles as follows:
2. One hundred fifty (30) square feet, ten (10) feet by fifteen (3) feet of lot or floor area, shall be deemed parking space for one (1) vehicle. All parking spaces and access driveways shall be graded and drained to dispose of surface water. No surface water from any parking area shall be permitted to drain onto adjoining property.
3. In all residential districts, there shall be provided off street parking a minimum of one hundred fifty (30) square feet (10 feet by 3 feet) for each vehicle. Area for a minimum of two (2) vehicles shall be provided for each dwelling unit.
4. Tourist homes and motels shall provide, on the lot, parking space for one (1) automobile for each accommodation.
5. For church, high school auditoriums, and for theaters, general auditoriums, and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said building.
6. For medical and dental offices, at least ten (10) parking spaces. Three (3) additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic having in excess of three (3) doctors of dentists.
7. For retail stores selling directly to the public, one (1) parking space for each two hundred (200) square feet of retail floor space in the building.
8. Parking space as required in the foregoing shall be on the same lot with the main building.
9. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential district.
10. Any other commercial building, hereafter erected or buildings converted to a commercial use or structurally altered to increase commercial space, shall provide one (1) parking space for each two hundred (200) square feet of business floor space in the building. Any establishment hereafter erected that serves meals or drinks to patrons either in their cars or in the building shall provide one (1) parking space for each two hundred (200) square feet of business floor space in the buildings; provided there shall be at least one (1) parking space for each serving unit. In restaurants, a serving unit shall be two (2) stools, one (1) booth or one (1) table. For dance halls and recreational areas, one (1) parking space for each two hundred (200) square feet of floor area. Two (2) or more establishments may provide necessary parking spaces on a single parcel of land.
11. Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.

§25.701 Site Plan Requirements

- A. The purpose of the site plan is to facilitate the use of the most advantageous techniques in the development of land in the Town, and to promote high standards and innovation in the layout, design, landscaping and construction of developments.
- B. When Required
 - 1. A site development plan is required and shall be submitted for uses in the following zoning districts: B-1
 - 2. Any use other than a single-family dwelling or individual mobile home constructed or placed on an individual lot. The placement of a mobile home in an existing mobile home park shall be exempt from this Article.
- C. Required Information
- D. Every site plan submitted in accordance with this article shall contain the following information:
 - 1. A boundary survey of the tract.
 - 2. Certificate signed by the surveyor or engineer setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
 - 3. All existing and proposed streets and easements, their names numbers, and widths; existing and proposed utilities; water courses and their names; owners, zoning and present use of adjoining tracts.
 - 4. Location, type and size of vehicular entrance to the area.
 - 5. Location, type, size and height of fencing, retaining walls and screen planting where required under the provisions of this ordinance or by the regulations of the State Department of Transportation.
 - 6. All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided.
 - 7. Number of floors, floor area, height and location of each building and proposed general use for each building.
 - 8. 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 Town or other utility system.
 - 9. The contributing drainage area in acres and delineation of any flood plain limits.
 - 10. Provisions for the adequate disposition of natural and storm water and grades of ditches, catch basin and pipes and connections to existing drainage system.
 - 11. Proposed finished grading by contours supplemented where necessary by spot elevations.
 - 12. All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to be closest to one hundredth (1/100) of a foot; and all bearings in degrees, minutes and seconds to the nearest ten (10) seconds.

§25.702 Procedure for Preparation

- 1. Site plans or any portion thereof, involving engineering, or land surveying, shall be prepared and certified by an engineer, or land surveyor duly authorized by the state to practice as such.

2. Site plan shall be prepared to a scale of one (1) inch equals fifty (50) feet or larger. Every site plan shall show the name and address of the owner or developer, magisterial district, county, state, north point, date and scale of drawing and number of sheets. In addition, it shall reserve the blank space, three inches wide and five inches high for the use of approving authority.
3. Seven (7) clearly, legible, blue or black line copies of site plan shall be submitted to the Zoning Administrator, accompanied by the receipt from the Treasurer of Port Royal evidencing the payment of all the site plan fees for processing and approval. Such fees shall be determined by the Town Council. The amount shall cover approval of site plans and the inspection of all required improvements included in such plans.

§25.703 Procedure for Processing

- A. The administrator shall submit copies of the site plan to reviewing departments, agencies, and officials, as deemed necessary. Action shall be taken by the approving authority on the site plan within sixty (60) days from date of submission to zoning administrator.
- B. All site plans which are appropriately submitted shall be approved or rejected by the planning commission after having been reviewed by the administrator. If the site plan is denied approval, the administrator, in notifying the applicant of the decision, shall set forth in detail the reasons for the denial which shall be limited to any defect in form or required information, any violation of any provision or standard of this or any other ordinance, or the inadequacy of any utility, and shall state any changes which would make the site plan acceptable.

§25.704 Required Improvements

All site plans shall contain the following improvements:

- A. Provisions for the adequate control of erosion sedimentation, indicating proposed temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading and construction.
- B. Adequate drainage system for the disposition of storm and natural waters including provision for curb and gutter for erosion control.

§25.705 Agreement Bond

Prior to approval of any site plan there shall be executed by the owner or developer, and submitted with the site plan an agreement to construct such required physical improvements as are located within public rights-of-way or easements or as are connected to any public facility in form and substance as approved by the Town, together with a bond with surety or condition acceptable to the Town in the amount of the estimated cost of the required physical improvements as determined by the administrator the time may be extended by the Town Council 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 Council.

§25.706 Expiration and Extension

Approval of a site plan submitted under the provisions of this article shall expire one (1) year after the date of such approval unless building permits have been obtained for construction in accordance therewith. A single one (1) year extension may be given upon written request by the applicant to the administrator made within ninety (90) days before the expiration of the approved site plan. The administrator shall acknowledge the -request and shall make a decision regarding the requested extension within sixty (60) days after receipt of the request.

§25.707 Revisions and Waiver

Any site plan may be revised in the same manner as originally approved, and any requirement of this article may be waived by the Town Council in specific cases where such requirements are found to be unreasonable in such cases and such waiver will not be detrimental to the purpose of this article.

§25.708 Site Plan Prerequisite to Building Permit

- A. No certificate or permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this article except in conformity to such site plan which has been duly approved.
- B. Site Plan Compliance During Installation
 - 1. Unless specifically provided in this ordinance the construction standards for all improvements required by this article shall conform to the Town and State design and construction Standards.
 - 2. Upon satisfactory completion of the installation of the required improvements the owner shall receive a certification of approval from the administrator on the improvements upon the application for such certificate. Such certificate of approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof.
- C. Fences, Walls, Hedgerows, etc.
 - 1. Whenever it is proposed to place any fence, wall, hedgerow, or other structure or screening device within three feet of any property line or public right of way, the location thereof shall first be staked on the ground and a boundary survey showing the staked location shall be submitted to the Zoning Administrator for approval. No fence, wall, hedgerow, structure, or screening device shall be within three feet of a property line or public right of way unless first approved by the Zoning,

ARTICLE VIII - ADMINISTRATION AND INTERPRETATION

This ordinance shall be enforced by the administrator who shall be appointed by the governing body.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was legally granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days 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.

§25.800 Zoning Permits

1. Buildings or structures shall be started, reconstructed, or enlarged only after a zoning permit has been obtained from the administrator.
2. Each application for a zoning permit shall be accompanied by a fee as established by Town Council and two (2) 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 or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way 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, 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. Certificate of Zoning Compliance
3. Land may be used or occupied and buildings structurally enlarged or erected, may be used or changed in use only after a certificate of zoning compliance 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. Activation of Town water shall be withheld until compliance is assured. A certificate of zoning compliance, either for the whole or a part of a building, shall be applied for simultaneously with the application for a zoning permit. The zoning compliance certificate 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.

§25.801 Special Use Permit

Where designated by this ordinance, the location of certain uses shall require the prior approval of the Port Royal Town Council following a recommendation from the Planning Commission. In addition to a zoning permit such uses shall require a special use permit. These permits shall list any and all of the conditions as the Town Council deems necessary to execute the intent of this ordinance.

§25.802 Interpretation

1. Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:
Boundary lines for B-1 shall be as shown on zoning map and as described in Article V 5-8 Boundaries. Boundary lines for R-1 and R-2 shall be as shown on zoning map and recorded boundary lines of adjacent property owners.
2. Where district boundaries are indicated as approximately following, or being at right angles to, the center lines of streets, highways, or alleys, such center line or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

ARTICLE IX - PROVISIONS FOR APPEAL

§25.900 The Board of Zoning Appeals

1. This board consisting of five (5) members shall be appointed by the Circuit Court of Caroline County. Members of the board may receive such compensation as may be authorized by the town council. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
2. The term of office shall be for five (5) years, except that the original appointments shall be made for such terms that the term of at least one (1) member shall expire each year.
3. Members may be removed for cause by the Circuit Court upon written charges and after a public hearing.
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.
5. The board shall choose annually its own chairman and, in his absence, an acting chairman.

§25.901 Rules and Regulations

1. The board of zoning appeals shall adopt such rules and regulations as it may consider necessary.
2. The meetings of the board shall be held at the call of its chairman and at such times as the board may determine.
3. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
4. All meetings of the board shall be open to the public.
5. The board shall keep minutes of its proceedings, showing the vote of each question, indicating for, against, abstention or absent. 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.
6. A quorum shall be a majority of the members.
7. A favorable vote of the majority of the 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.

§25.902 Powers of the Board of Zoning Appeals

The board of zoning appeals shall have the following powers and duties:

- A. 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 or any ordinance adopted pursuant thereto.
- B. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of provisions will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

- C. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size, or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of 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.
1. No such variance shall be authorized by the board unless it finds: (1) 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.
 2. No such variance shall be authorized except after notice and hearing as required in Section 3.1-431 of the Code of Virginia (1950), as amended.
 3. 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.
 4. In authorizing a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure for use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

§25.903 Appeals to the Board of Zoning Appeals

An appeal to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county or municipality 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 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 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 notice to the Zoning Administrator and for good cause shown.

§25.904 Appeal Procedure

9-5-1 Appeals shall be mailed to the board of zoning appeals c/o the Zoning Administrator, and a copy of the appeal mailed to the secretary of the planning commission. A third copy should be mailed to the individual official, department, or agency concerned, if any.

9-5-2 Appeals requiring an advertised public hearing shall be accompanied by a certified check to cover the costs of said

hearing payable to the Treasurer, Town of Port Royal.

§25.905 Public Hearing

The board shall fix a reasonable time for the hearing of an application or appeals, give public notice thereof as prescribed by Section 3.1-431 of the Code of Virginia (1950), as amended, as well as due notice to 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 of an administrative officer, or may decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or may affect any variance from the ordinance.

§25.906 Appeal of Decision of Board of Zoning Appeals

1. Any person or persons jointly or severally aggrieved by a decision of the board of zoning appeals, or any taxpayer or any officer, department, board, or bureau of the municipality, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
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 then (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.
3. Costs shall not be allowed against the board unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

ARTICLE X - VIOLATION AND PENALTY

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

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 guilty of a class three misdemeanor and, upon conviction thereof, may be fined in accordance with State law. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person, firm or corporation.

ARTICLE XI - AMENDMENTS

1. The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by a majority of votes of the governing body; provided
2. The planning commission shall hold at least one (1) public hearing on such proposed amendment after notice as required by Section 3.1-431, Code of Virginia (1950), as amended, and may make appropriate changes in the proposed amendment, and then send same to the governing body together with its recommendations and appropriate explanatory materials. Such public hearing may be held jointly with the governing body at its public hearing.
3. Before approving and adopting any amendment, the governing body shall hold at least one (1) public hearing thereon, pursuant to public notice as required by Section 3.1-431, Code of Virginia (1950), as amended, after which the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing notice. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the zoning ordinance. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of forty-five (45) days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.
4. Individual property owners may petition the governing body to have their property rezoned by submitting their request in writing, accompanied by a payment of a fee established by Town Council to defray the cost of advertising and administration, to the Zoning Administrator. After proper public hearing, the planning commission shall make its recommendation to the Port Royal Town Council who shall act upon the applicant's request.

ARTICLE XII - VALIDITY

§25.1200 Severability

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision 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.

§25.1201 Conflicting Ordinances

All conflicting ordinances or parts thereof which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed effective 12:01 a.m. July 30. 1990.

CHAPTER 26 – ZONING – BOUNDARY ADJUSTMENT LANDS

Article I Purposes and Intent

§26.100 – Title

This ordinance shall be known as the Town of Port Royal Zoning Ordinance Boundary Line Adjustment Lands, 2014.

§26.101 Statement of Purpose

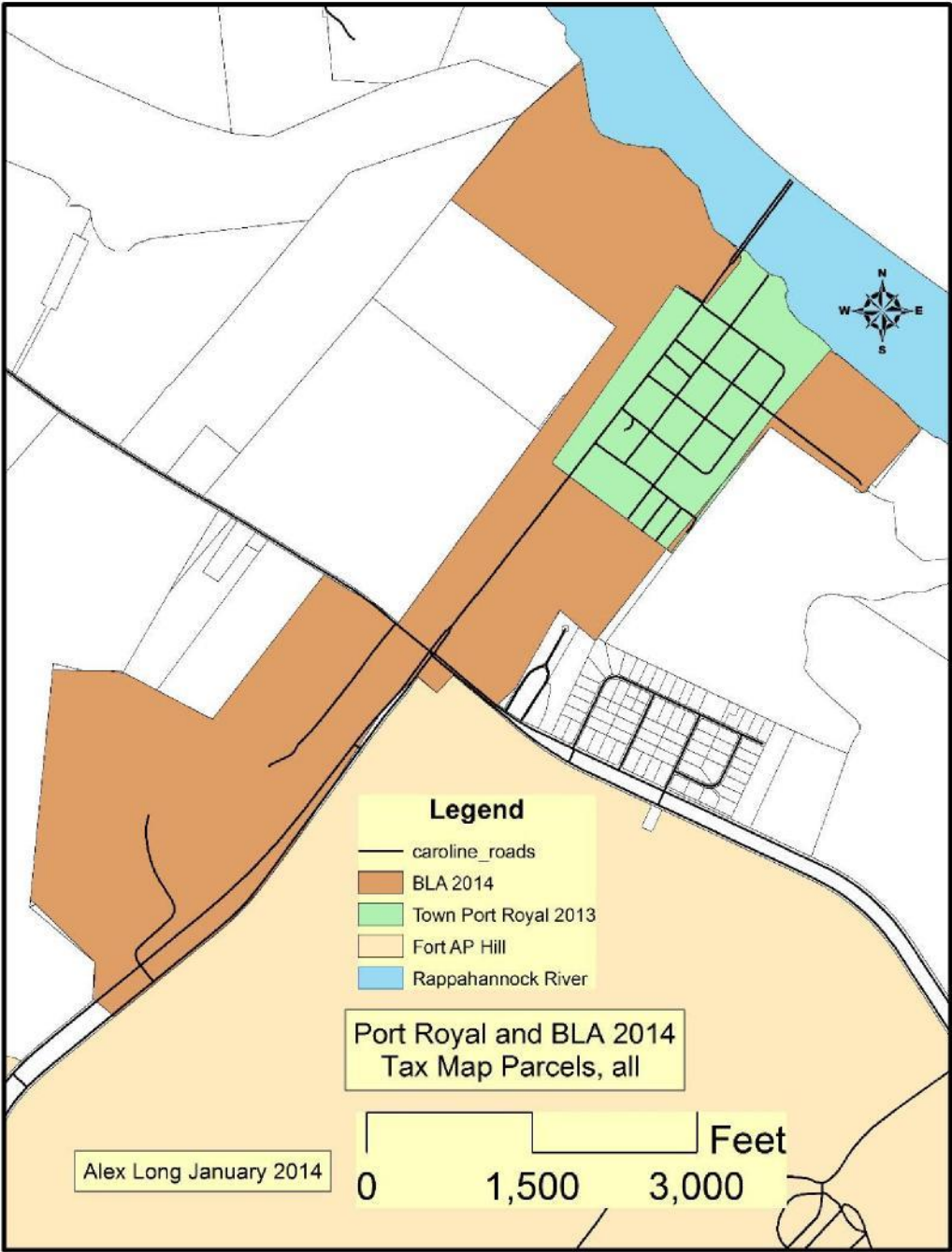
For the purposes of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Section 3.2-2200 of the Code of Virginia, this zoning ordinance is hereby adopted by the Port Royal Town Council. This ordinance has been designed (1) to provide for adequate 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 provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to provide for the preservation of agricultural and forestall lands and other lands of significance for the protection of the natural environment;; (10) to promote affordable housing; and (11) to protect the quality of surface and groundwater resources.

§26.102 – Application

This Ordinance shall apply to the incorporated territory of the Town of Port Royal, Virginia, which was acquired by Boundary Line Adjustment Agreement, by and between the Town of Port Royal and Caroline County and implemented in 2014. A GIS map showing the subject Boundary Line Adjustment lands added to the Town is found at Figure 1, below.

It is the intent of this ordinance that the extent of its applicability be automatically changed in accordance with the provisions hereof or provisions of State law which may affect the applicability of this Ordinance.

Figure 1. This GIS map illustrates the Town boundary before (2013) and after the Boundary Line Adjustment and the lands brought into the Town in 2014.



Article II Establishment of Districts

§26.200 - Districts Established

The incorporated area of the Town of Port Royal, Virginia, for the Boundary Line Adjustment (BLA) lands as shown on Figure 1, are brought into the Town of Port Royal and divided into the following districts:

RP, Rural Preservation

B-1, Business

HCOD, Highway Corridor Overlay District

§26.201- Other Ordinances and Regulations Apply

Other regulations, zoning, and subdivision ordinances, including, but not limited to, floodplain ordinances, Chesapeake Bay Act, and erosion and sediment control of the Town of Port Royal are applicable to the Boundary Line Adjustment (BLA) lands brought into the Town in 2014, except for the zoning districts as defined above, which are applicable solely to the Boundary Line Adjustment lands (BLA) brought into the Town in 2014. Where there is a conflict between ordinances or regulations, the more stringent shall prevail.

§26.202 - Official Zoning Maps

The location and boundaries of said districts are set forth and indicated on a set of maps entitled “Official Zoning Maps” which, with all explanatory matter thereon, shall be a part of this ordinance. The Official Zoning Map for the Boundary Line Adjustment lands brought into the Town in 2014 is found at Figure 2, with land use Districts designated, as found at Figure 2.

No change of any nature shall be made in the Official Zoning Maps or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change by any person or persons shall be considered a violation of this ordinance.

Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be made or published, the Official Zoning Maps located in the office of the Zoning Administrator shall be the final authority as to current zoning status of land in the Town.

§26.203 - Determination of District Boundaries

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Maps, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following Town of Port Royal Boundaries shall be construed as following such Town Boundaries;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Zoning Appeals shall interpret the district boundaries.

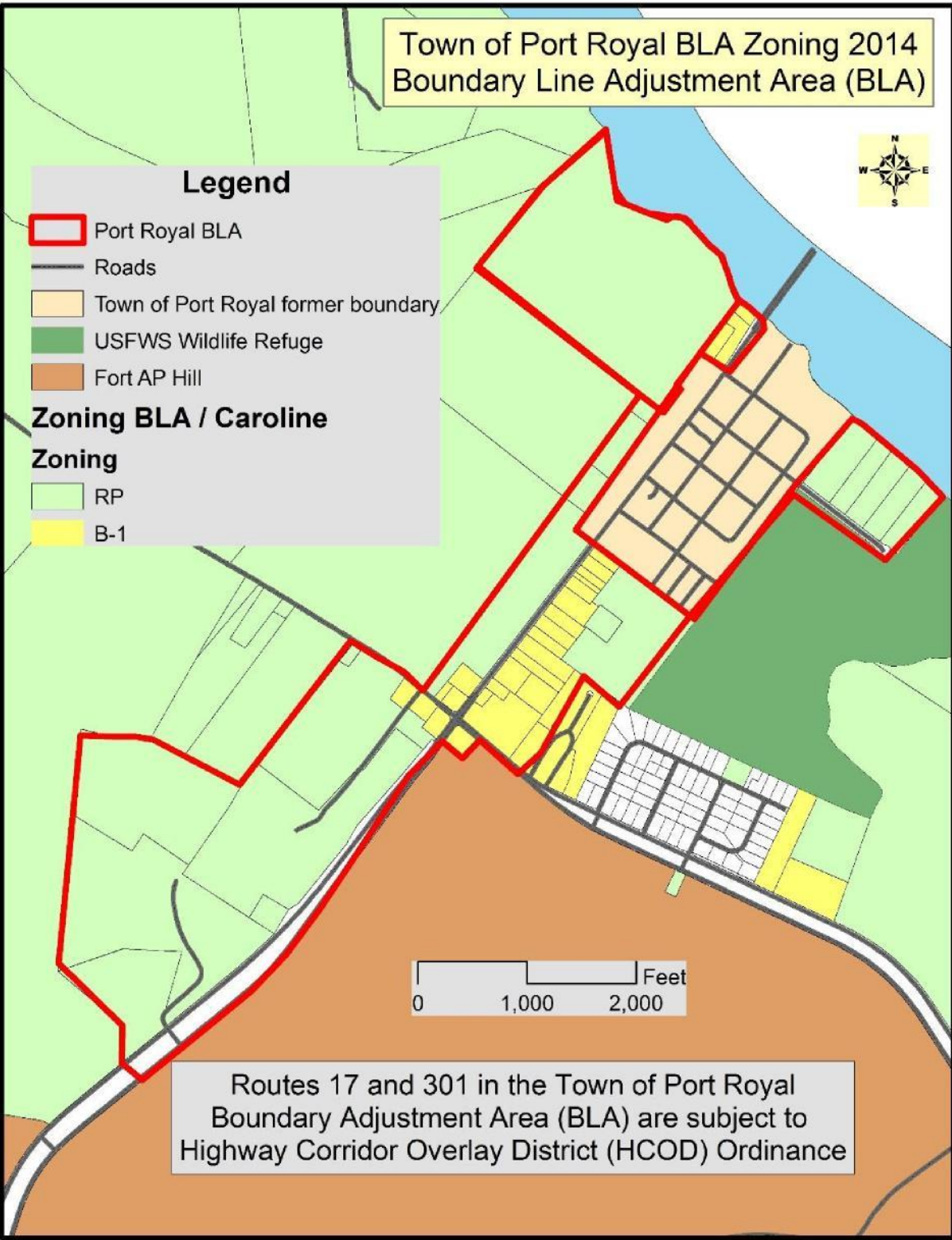
§26.204 - General Provisions

No building, structure, or land shall hereafter be used, changed in use, or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

§26.205 - Effective Date

This Ordinance, Maps, and all its provisions are effective upon passage by Town Council and the Boundary Line Adjustment Lands transferred to the Town of Port Royal from Caroline County.

Figure 2. This is the Official Zoning Map for the lands added to the Town of Port Royal and is formally adopted and made a part of this Zoning Ordinance and is incorporated and made a part of the Port Royal Zoning Ordinance.



ARTICLE III - DEFINITIONS

§26.300 GENERAL RULES OF CONSTRUCTION

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. Words used in the present tense include the past and future tenses, and the future tense includes the present.
3. The singular number includes the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. The word “shall” is always mandatory; the word “may” is permissive.
5. The word “building” or “structure” includes any part thereof, and the word “building” includes the word “structure”.
6. The words “general development plan (GDP)” include the words “zoning development plan”, “zoning plat plan” and “plan of development”.
7. The word “lot” includes the words “plot”, “parcel”, and “tract”.
8. The word “used” or “occupied” includes the words “intended, designed, or arranged to be used or occupied”.
9. The figures used in conjunction with the following definitions are used for illustrative purposes and for clarity.

§26.301 Definitions

For the purpose of this ordinance, the following words and phrases shall have the meanings attributed to them. The Zoning Administrator shall strictly construe the terms and definitions in this section. In the event a term is not defined in this section, the administrator shall refer to the Code of Virginia, Code of Caroline County, and the Virginia Uniform Statewide Building Code for guidance. In the case a term or use is not defined herein, the following texts shall be incorporated as part of this section of the ordinance, A Glossary of Zoning, Development, and Planning Terms 50th Anniversary Edition, The New Illustrated Book of Development Definitions 1993 Edition, United States Building Code (USBC), International Building Code (IBC), and The American Heritage Dictionary of the English Language, 4th Edition. In determining appropriate activities of a defined use, the zoning administrator may consult the current edition of the Standard Industrial Classification Manual (SIC).

AASHTO American Association of State Highway and Transportation Officials. ADT Average daily traffic count.

ABANDON The discontinuance of a use pursuant to Section 118-805; the alteration of a use; or act of changing one use to another use, whether to a more restrictive or to a more expansive use.

ABOVEGROUND STORAGE TANK OR “AST” Any one or combination of tanks, including pipes, used to contain an accumulation of oil at atmospheric pressure, and the volume of which, including the volume of the pipes, is more than 90% above the surface of the ground. The term does not include line pipe and breakout tanks of an interstate pipeline regulated under the Hazardous Liquid Pipeline Safety Act of 1979.

ABUT Having property lines in common.

ABUTTING PARCELS See **CONTIGUOUS PARCELS**.

ACCELERATION LANE An added roadway lane that permits integration and merging of slower moving vehicles into the main vehicular stream. See Figure 1.

ACT the Chesapeake Bay Preservation Act, Code of Virginia, sec. 10.1-2100, et seq., 1950, as amended.

ACCEPTED ENGINEERING PRACTICE That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESS A way or means of providing vehicular or pedestrian entrance or exit to a property. See Figure 2.

ACCESS CONNECTION Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS MANAGEMENT The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.

ACCESS ROAD A paved or unpaved route or path from a public highway or public road to a building, structure, use, site or associated facility.

ACCESSIBLE Describes a site, building facility or portion thereof that complies with this section and CABO A117.1 listed in Chapter 35, and that can be approached, entered and used by a physically disabled person.

ACCESSORY APARTMENT A separate, complete housekeeping unit in which no more than two (2) persons reside and which is substantially contained within the structure of or within an accessory structure and clearly secondary to a single-family detached dwelling. The accessory apartment may not occupy more than 750 total (gross) square feet as measured from outside dimensions

ACCESSORY DWELLING UNIT See **DWELLING, ACCESSORY**.

ACCESSORY USE OR STRUCTURE/BUILDING A subordinate use or structure

customarily incidental to and located upon the same lot occupied by the principal use or structure, in the same zoning district. Truck bodies, semi-trailers and mobile homes shall not be used as an accessory use/structure. See Figure 3.

ACRE A measure of land equaling 43,560 square feet.

ACTIVE COMPOST PILE Organic material (excluding household waste) that will sustain a temperature within the pile in excess of 140 degrees Fahrenheit.

ACTIVITY Any man-made change or physical alteration to improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving, fencing excavating, drilling, channel rectification, and buildings or other structures (e.g., dam, wall, embankment, levee, dike, pile, abutment, projection, bridge, conduit, culvert, fence).

ADDITION An increase in building area, aggregate floor area, height or number of stories of a structure.

ADJACENT immediately contiguous to a development site, including properties which are separated from the site only by a road or other right-of-way or easement.

ADJOIN Touch at some point.

ADMINISTRATIVE DECISION Any decision on a development application made by an authorized Town officer, agent, official or employee pursuant to Article 17 of this Ordinance.

ADMINISTRATIVE PERMIT A permit which may be issued by the zoning administrator for certain types of uses identified in this chapter upon demonstration of compliance with all applicable standards, criteria and procedures for issuance as established herein.

ADMINISTRATIVE PROCEDURES The procedures for rendering a decision relating to an administrative permit, as set forth in this Ordinance.

ADMINISTRATOR The individual designated by the Town of Port Royal Town Council, and/or that individual's designated agent.

ADULT ARCADE Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer person per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

ADULT CARE RESIDENCE Any place, establishment, or institution, public or private,

operated or maintained for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (1) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed, and (2) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage, and (3) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to Section 22.1-214 of the Code of Virginia, when such facility is licensed by the Virginia Department of Social Services as a child-caring institution under Chapter 10 (Section 63.1-195 et seq) of Title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed. Included in the definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm, or disabled adults.

ADULT DAYCARE FACILITY A facility operated for the purpose of providing care, protection and guidance to adults during normal business hours and in which no overnight facilities are permitted.

ADULT LIVE ENTERTAINMENT A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. persons who appear in a state of nudity or semi-nude; or
- b. live performances which are characterized by the exposure of Specific Anatomical Areas or by Specified Sexual Activities; or
- c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or "Specified Anatomical Areas".

ADULT MOTEL A hotel, motel or similar commercial establishment which:

- a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- b. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- c. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

ADULT MOVIE THEATER A commercial establishment where, for any form of consideration, films motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or "specified anatomical areas."

ADULT NOVELTY STORE An establishment having as a significant portion of its stock in trade instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

ADULT THEATER A theater, concert hall, auditorium, or similar commercial

establishments which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

AGENT, EROSION AND SEDIMENT CONTROL PROGRAM An employee or agent of the Town of Port Royal, who has been designated by the Administrator for inspection, plan review, and program administration of the Erosion and Sediment Control Program.

AGENT, SUBDIVISION An employee or agent of the Town of Port Royal who has been designated by the Administrator for inspection, plan review, and administration of the Town of Port Royal Subdivision Ordinance.

AGREEMENT IN LIEU OF A PLAN A contract between the Plan-Approving Authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the Plan-approving authority in lieu of a formal site plan.

AGRIBUSINESS/AGRICULTURAL SUPPLY ESTABLISHMENTS A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services. All outdoor storage shall be within a fully enclosed structure utilizing split face block for exterior walls or other similar material.

AGRICULTURAL AND FORESTAL DISTRICT A district created pursuant to Title 3.2, Chapter 44 of the Code of Virginia.

AGRICULTURAL BUILDING A structure utilized to store farm implements, hay, feed, grain or other agricultural or horticultural products or to house poultry, livestock or other farm animals. Such structure shall not include habitable or occupiable spaces, spaces in which agricultural products are processed, treated or packaged, nor shall an agricultural building be a place of occupancy for the general public.

AGRICULTURAL LAND Lands that are currently, (i.e., natural or native vegetation has been removed,) used and managed primarily for the commercial planting and harvesting of crops or plant growth of any kind in the open; pasture; horticulture; dairying; floriculture; or raising of poultry and/or livestock and consists of a minimum of five acres. Pasture used as an accessory use to a residential use shall not be considered bonifide agriculture land.

AGRICULTURAL PRODUCE Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall be considered agricultural produce for the purposes of this Ordinance.

AGRICULTURAL WASTE All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

AGRICULTURAL, INTENSIVE OPERATION See INTENSIVE AGRICULTURAL OPERATION.

AGRICULTURE/CROP FARMS/NON-INTENSIVE AGRICULTURAL OPERATIONS

The tilling of the soil, the growing of crops, horticulture, forestry and gardening, including the keeping of animals and fowl, and including any agricultural industry or business such as fruit packing plants, dairies or similar use.

AIRPORT Any area of land or water designed and set aside for the landing and take-off of aircraft or other flying machines, including all necessary facilities for terminals, housing, and maintenance of aircraft.

AISLE, TRAFFIC The traveled way by which cars enter and depart spaces in parking lots.

ALCOHOL, INDUSTRIAL The manufacture of ethyl alcohol.

ALL WEATHER SURFACE The surface which is passable in all weather conditions and is designed to support all reasonably anticipated loads in all weather conditions. An all-weather surface may be either pervious or impervious; however, it must not produce dust.

ALTER To modify or change naturally occurring physical and/or functional elements of the land. With regard to buildings, the term "alter" means to construct or to renovate an existing structure other than through a repair or addition.

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

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.

AMBIENT Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, light, noise, air and other environments.

AMPLITUDE The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE Any facility containing more than four of the following items in a condition suitable for their intended use: pool, billiard or similar table; pinball machines, football, shuffleboard or similar game; electronic or video game; or any similar game or entertainment device (see **INDOOR COMMERCIAL RECREATION FACILITY**).

ANIMAL Any vertebrate member of the animal kingdom, excluding man.

ANIMAL GROOMING SERVICE Any place or establishment, public or private where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

ANIMAL/VETERINARIAN CLINIC Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

ANIMAL/VETERINARIAN HOSPITAL Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for the temporary boarding of animals.

ANIMAL SHELTER A facility operated by the governing body which is designed to provide for the temporary accommodations and/or disposal of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated.

ANIMAL UNIT A measure of dry matter forage per month required to feed a single animal. The number of animal units available shall determine how many animals allowed on a parcel of land.

ANTENNA Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

ANTIQUÉ SHOP A business that buys and sells works of art, piece of furniture, decorative object, which were manufactured in an earlier period and is presented for the display and sale to the public. All display(s) shall be in a fully enclosed structure.

APARTMENT One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

APARTMENT BUILDING See DWELLING, MULTIPLE-FAMILY.

APARTMENT, COMMERCIAL A dwelling unit that is designed and constructed for a caretaker or watchmen in conjunction with a commercial or industrial use and is structurally integrated into a part of the principal structure except that the dwelling unit may be a separate accessory structure for an industrial use.

APARTMENT, FAMILY An independent, subordinate dwelling unit located on the same lot as the home of the apartment resident's relatives or contained within a single family residential structure. A mobile home/manufactured dwelling shall not be used for a family apartment.

APPEAL A request for a review of the interpretation of any provisions of this Ordinance, or a request for a determination that there is error in an order, requirement or decision made by the administrative official pursuant to this Ordinance.

APPLICANT A person submitting an application for development.

APPLICATION FOR DEVELOPMENT APPROVAL OR APPLICATION A written request for any approval, permit, or action required by this Ordinance, including. Any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests".

APPROPRIATE AUTHORIZED DESIGN PROFESSIONAL An architect, professional engineer, land surveyor, or landscape architect; competent in their respective areas of practice and licensed to offer such services in the Commonwealth of Virginia.

APPROVED WATER SUPPLY A waterworks which has a valid waterworks operation permit from the department or a waterworks which is evaluated, tested and if found in reasonable compliance with the applicable standards, accepted and approved by the director of the director's designee.

APPURTENANT STRUCTURE A device or structure attached to the exterior or erected on the roof of a building designed to support service equipment or used in connection therewith, or for advertising or display purposes, or other similar occupancies.

AQUACULTURE The growing, farming and husbandry of freshwater and marine organisms under controlled conditions, including but not limited to hatcheries, the propagation of ornamental fish and plants and pearl culture; including fish farming.

AQUIFER Water-bearing geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of groundwater to wells or springs. An aquifer is unconfined (water table) or confined (artesian) according to whether the upper surface of the water is at atmospheric pressure or at greater than atmospheric pressure. The term "aquifer" also includes a geologic formation, group of formations, or a portion of a formation capable of yielding significant quantities of groundwater to wells or springs. See Figure 5.

ARBORIST An individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. This definition shall also incorporate the term urban forester.

ARCHITECT A professional who is registered with the State Department of Professional and Occupational Registration as an architect.

AREA, BUILDING The area included within surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

AREA OF INFLUENCE The area from which a land use draws its customers or users or from which it can be reasonably expected to draw. (Also referred to as service or trade area.)

AREA OF SHALLOW FLOODING A designated AO or VO zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD The land in the floodplain subject to a one percent (1%) or greater change of flooding in any given year.

ARRAY A set of antennas for one carrier or service that are placed on a mount at a given height, and spaced so as to avoid internal interference. An array is usually sectorized into three directions and separated vertically from another carrier's (or another service's) array when co-located on the same mount.

ARTIST STUDIO A building or portion of a building used for the creation of homemade arts and crafts, including: drawing, painting, sculpture, photography, pottery, metal crafting and other arts and crafts.

AS-BUILT DRAWING See RECORD DRAWING.

ASSEMBLY The use of a building and the associated land area primarily used for the fitting of various components of a product which are fitted together to create a complete machine, structure, or unit of a machine.

ASSISTED LIVING A level of service provided by an adult care residence for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

ASSISTED LIVING FACILITY (ADULT) A residential facility for the elderly that provides living areas, meals, personal services, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Services may be provided on a fee for service basis or as part of monthly rents.

ATTACHED RESIDENTIAL See DWELLING ATTACHED.

ATTENUATION Any decrease in the maximum concentration or total quantity of a chemical or biological constituent during a fixed time or distance traveled.

ATTIC That part of a building between the ceiling beams of the top flooring and the roof framing.

AUCTION ESTABLISHMENT A building and/or lot in which the commissioned public sales of goods to the highest bidder is conducted by a licensed auctioneer that occurs more frequently than once a year for other than community nonprofit organizations.

AUDITORIUM A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly".

AUTHORIZED AGENT Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE REBUILDER A building or establishment engaged in the rebuilding and reconditioning of automobiles and light trucks/SUVs. There shall be no retail sales of motor vehicles or motor vehicle parts associated with an automobile rebuilder. All rebuilding/reconditioning activities shall be conducted within a fully enclosed building.

AUTOMOBILE SALVAGE YARD/AUTOMOBILE GRAVEYARD Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of

being operated, are placed, dismantled and sold for parts, sold as a unit, or crushed by a mobile crushing unit to be sold as scrap. See also JUNKYARD.

AVERAGE DAILY TRAFFIC (ADT) The average number of vehicles per day which pass over a given point on a roadway.

AWNING A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. See Figure 6.

BAKERIES-RETAIL A building with an establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared on or off-site. Such use may include ancillary incidental food service.

BANK/FINANCIAL INSTITUTION A building, with or without a drive-up window, primarily used for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BANNER Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BARBER/BEAUTY SHOP A building used primarily for the practice of barbering and or cosmetology. Nail salons are an accessory use.

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

BASE FLOOD ELEVATION (BFE) The one-hundred-year flood elevation, expressed in feet above mean sea level, as established by the Federal Emergency Management Agency and shown on the Flood Insurance Rate Maps for Caroline County and the Town of Port Royal.

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

BED AND BREAKFAST A dwelling unit occupied by its owners or caretakers where not more than six (6) rooms are occasionally rented out to travelers for compensation without a provision for cooking in the room and where breakfast is the only meal served.

BEDROCK The rock that underlies soil or other unconsolidated, superficial material at a site.

BEDROOM A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

BERM A mound of earth used to shield, screen, or buffer views, separate land uses, provide visual interest, decrease noise, or control the direction of water or traffic flow. See Figure 7.

BEST MANAGEMENT PRACTICES (BMPS)

A practice, or combination of practices, that is determined by a state or designated area-planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

BICYCLE A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITY A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE) A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH A designated corridor which is designed for bicycle travel and other non-motorized modes of travel. See Figure 7.

BIG BOX RETAIL A single retail establishment with a gross floor area not less than eighty thousand (80,000) square feet, and which may include fast food restaurants and other accessory retail uses with an entrance inside the primary retail establishment. Additionally, this use requires high parking to building area ratios and has a regional sales market and offers bulk sales.

BIKEWAY A transportation facility designed to safely accommodate bicycle traffic.

Bikeways are subdivided into three (3) general classes:

- a. Class I – bikeway is physically separated from the roadway by open space, a physical barrier, or both.
- b. Class II- bikeway is a designated and marked lane immediately adjacent to the travel lanes of a roadway.
- c. Class III – bikeway shares travel lanes of a roadway with other vehicles. Lanes may be wider to accommodate cyclists, but no specific lane designations are made.

BILLBOARD A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BLOCK That land abutting on one side of a street, extending to the rear lot lines or, for parcels of land extending through to another street, to a line midway between the two (2) streets and lying between the two (2) intersecting and intercepting streets or between the nearest intersecting or intercepting street and the boundary of any railroad right-of-way, park, school ground or un-subdivided acreage or centerline of a drainage channel thirty (30) feet or more in width.

BOARDING HOUSE (ROOMING OR LODGING HOUSE) A dwelling, other than a hotel, where, for compensation, meals, or lodging and meals, are provided for three or more persons.

BOARDING SCHOOL An educational facility for varying levels of educational instruction; specifically limited to elementary, middle & high school levels offering full curricula as required by state law and where lodging and meals are provided for students

BROADCASTING FACILITY RADIO AND TV STUDIO A building and the associated equipment primarily used for the transmission of radio and television programs.

BUFFER AREA An area of natural or established vegetation managed to protect other components of a Resource Protection Area and state waters from significant degradation due to land disturbances.

BUFFERING CAPACITY The capacity of a soil to take up contaminants through a variety of attenuation processes such as biological activity, dilution, volatilization, mechanical filtration, precipitation, buffering, neutralization and ion exchange. Some attenuation processes result in permanent removal and degradation of pollutants, which others act to store pollutants and by that delay pollution problems but not eliminate them.

BUFFER MANAGEMENT PLAN A prescribed course of action to be followed by the developer of any site within the Resource Protection Area when disturbance to the 100-foot buffer area is proposed. The plan should include a description of what is being proposed as well as an explanation of why such action is necessary.

BUFFERING OR SCREENING Any fence, berm, natural growth, or any combination thereof, which shall serve as a barrier to vision or noise between adjoining properties. Whenever used for screening or buffering purposes, "natural growth" shall mean coniferous trees, bushes and shrubbery. See Figure 7.

BUFFER WIDTH A uniform width across the entire length of a common property line between lots on which uses are located that require screening and buffering. The buffer width may not be varied along such property line in a manner which results in any point becoming narrower than the minimum required width.

BUFFERYARD A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a buffer yard is landscaped and developed in open space areas.

BUILDABLE AREA/BUILDING ENVELOPE The area of the lot remaining after required yards have been provided.

BUILDABLE LOT A duly recorded lot which was lawfully buildable or which complied with all requirements of the Town or County's zoning and subdivision regulations immediately prior to the effective date of this Ordinance; or, a duly recorded lot which complies with each and every requirement of the current subdivision regulations and this Ordinance.

BUILDING Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or personal property.

BUILDING, ACCESSORY See ACCESSORY USE OR STRUCTURE.

BUILDING BULK The visual and physical mass of a building.

BUILDING FRONTAGE/FACADE The horizontal linear dimension designated as a primary facade of that portion of the building occupied by a single use or occupancy.

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 structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and 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. See Figure 8.

BUILDING, PRINCIPAL/MAIN A building in which is conducted the principal use of the lot on which it is situated. See Figure 3.

BUILDING CODE the Virginia Uniform Statewide Building Code as amended.

BUILDING COVERAGE; LOT COVERAGE All areas under roof or projections from buildings on a lot.

BUILDING INSPECTOR An appointed official of Caroline County who is responsible for certifying building inspections.

BUILDING OFFICIAL The person appointed by the County Administrator and Board of Supervisors as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building, and who is responsible for enforcement of the Uniform Structure Building Code.

BUILDING PERMIT An approval statement from the Office of Inspections authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building.

BUILDING RESTRICTION LINE (BRL) The line established by this Ordinance, beyond which a building shall not extend, except as specifically provided by this chapter.

BUSINESS SCHOOL A noncollege degree-granting school offering courses in office machine operation, computers, data processing, software, secretarial, and related skills, schools, including educational correspondence courses; offices and classroom facilities, however, laboratory or other specialized training facilities are to be evaluated based upon the zoning district in which the school is located.

CABINET & FURNITURE SHOP See MANUFACTURING.

CAMPING AREA OR CAMPGROUND Any area that is occupied and intended or designed or improved for temporary occupancy by individuals using recreational vehicles, tents, motor homes, boats, and similar vehicles for temporary dwelling, lodging, or sleeping purposes. The term “recreational vehicle” means any vehicle built on a chassis, containing 400 square feet or less when measured at the largest horizontal projections and is designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed nor intended for use as a permanent dwelling, but as for temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats, and camping shells on trucks and campers.

CAMP SITE/LOT Any plot of ground within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

CAMPING UNIT Any tent, pop-up trailer, cabin, lean-to, or similar structure established or maintained and operated as temporary living quarters for recreation, education or vacation purposes.

CANOPY A canopy is an architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than two stanchions. A canopy is comprised of a rigid structure over which a rigid covering is attached.

CAPITAL IMPROVEMENT A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the City, a special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED A Capital Improvement designated for construction within a period not to exceed five (5) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM A document adopted by the Council in accordance with Section 3.1-1-464 of the Code of Virginia.

CARNIVAL See RURAL COMMERCIAL RECREATIONAL USE.

CARPORIT A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CAR WASH A structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam- cleaning or similar mechanical devices.

CARRY-OUT FOOD SERVICE A business whose principal purpose is the preparation and sale of food or beverages for consumption off-site, such as delicatessens, ice cream stores and hot dog stands, but shall not include liquor stores, restaurants, and drive-through commercial establishments.

CATERING See COMMISSARY.

CELLAR That unfinished portion of a building below the first-floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

CEMETERY A parcel of land or structure dedicated to and at least a portion of which is being used for the interment of human or animal remains. A cemetery may include crematories, mausoleums, and columbaria.

CEMETERY, FAMILY A parcel of land dedicated to the interment of human remains of

only members of the immediate family. Pets owned by the family, as defined herein, may also be interred in a family cemetery.

CENTERLINE The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM A public or private water company formed to serve development that includes water treatment and distribution facilities.

CERTIFICATE OF APPROPRIATENESS Approval statement signed by the Chairman of the Port Royal Town Council, after consultation with Port Royal Planning Commission, which certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition, or razing of all or part of any building within a historic district, subject to the issuance of all other required permits needed for the matter sought to be accomplished.

CERTIFICATE OF USE AND OCCUPANCY The certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of this ordinance and the building codes for the use and occupancy of the building in its several parts together with any special stipulations or conditions of zoning approval and/or the building permit.

CERTIFIED INSPECTOR An employee or agent of the Program Authority who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

CERTIFIED PROGRAM ADMINISTRATOR An employee or agent of the Town of Port Royal, and/or designee of such, who (i) holds a certificate of competence from the Virginia Soil and Water Conservation (VSWC) Board in the area of program administration or (ii) is enrolled in the Virginia Soil and Water Conservation (VSWC) Board's training program for program administration and successfully completes such program within one year after enrollment.

CERTIFY Whenever this Ordinance requires that an agency or official certify the existence of some fact or circumstance, such certification may be made in any manner, oral or written, which provides reasonable assurance of the accuracy of the certification. **CHANGE IN USE** A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANNEL A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHESAPEAKE BAY PRESERVATION AREA (CBPA) Any land designated by the Town Council pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-et seq., and Section 10.1-2107 of the Code of Virginia.

A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

CHILD CARE FACILITY Any facility licensed by the Department of Social Services, or other state agency designated by the Commonwealth of Virginia, to operate as a Child Care Facility, Day Care Facility, Preschool, Nursery School or similar facility which cares for six (6) or more children.

CHILD DAY CAMP A child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of that same year may be included in a camp for school age children.

CHIMNEY A primarily vertical enclosure containing one or more passageways for conveying flue gases to the outside atmosphere.

CHURCH/PLACES OF WORSHIP Any structure used for religious worship and related activities (includes temples and synagogues).

CIRCLE A street forming a closed loop and generally designated by a name.

CIVIC BUILDING A meeting place, either a building or a complex of buildings, used for recreational, social education and cultural activities.

CLEANING OR PROCESSING ESTABLISHMENT A business that primarily involves the on-site cleaning, treatment, or chemical processing of goods or materials, or the storage of chemicals, used in off-site cleaning, treatment, or processing. This includes, but is not limited to carpet cleaners, dry-cleaning plants, or exterminating services and taxidermists.

CLEARING Any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or top soil removal.

CLEAR CUTTING The removal of more than twenty-five percent (25%) of the trees, shrubs, or undergrowth from a site with the intention of preparing real property for nonagricultural development purposes. This definition shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, removal of dead trees or normal mowing operations.

CLOTHING/TAILOR SHOP See **RETAIL STORES AND SHOPS**.

CLUBS, LODGES AND FRATERNAL ORGANIZATIONS Any use of property or structure for social, service, recreational or other gathering by an organization such as Elks, Moose, 4-H, American Legion, Lions, VFW, Masons, Ruritans, or similar groups and special interest organizations such as gun clubs, hunt clubs, etc.

CLUSTER A development design technique that concentrates buildings in specific areas on the site to allow remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive features, the preservation of agricultural or woodlands, and rural character.

CLUSTER DEVELOPMENT A form of residential development that concentrates

dwellings in a specified area with a corresponding reduction in lot area and dimension requirements in order to allow the remaining land area to be devoted to perpetual common open space which may be used for recreation, both active and passive, and the preservation of environmentally sensitive areas. See Figures 9 & 10.

CODE the Code of Virginia, 1950, as amended.

CO-LOCATION OR CO-LOCATED A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

COLONNAD A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers.

COLLECTOR STREET Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes. A collector street includes any street classified as a Major Collector; Estate, Rural or Suburban Type, a Collector; or an Urban Collector.

COLLEGE OR UNIVERSITY An institution providing full-time or part-time education beyond the high school level, including any lodging rooms or housing for students or faculty.

COMMERCIAL MESSAGE Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL PARKING LOT See "Parking Lot."

COMMERCIAL RECREATION FACILITY Any building or property upon which the principal use is the operation of businesses such as, but not limited to, bowling alleys, skating rinks, swimming pools, tennis and racquetball courts, miniature golf and health spas, martial arts instruction, and fitness centers.

COMMERCIAL RIDING STABLE A structure and/or use of property where horses or ponies are kept, maintained and/or boarded for profit, or are rented to the general public (see also EQUESTRIAN FACILITY).

COMMERCIAL STORAGE AND PROCESSING OF BULK AGRICULTURAL PRODUCTS

See AGRIBUSINESS/AGRICULTURAL SUPPLY ESTABLISHMENT.

COMMERCIAL USE Any activity carried out for pecuniary gain.

COMMISSARY A lunchroom or cafeteria located within or as a part of the principal use, such as in an office building.

COMMISSION The Planning Commission of the Town of Port Royal, Virginia.

COMMUNICATION FACILITY Facilities including towers, where the principal use is to provide point-to-point communication services whether by wire or radio, either aurally or visually, including radio, telephone and television broadcasting and the exchange or recording of messages.

COMMUNITY ADMINISTRATIVE OFFICE A private facility within a residential development having a property owners' association (POA) or home owner's association (HOA) for use only as an office and/or meeting room for official business by staff, board, committee members or residents of the POA/HOA.

COMMUNITY USE Country clubs, golf courses, community centers, swimming pools and similar recreational uses conducted by membership organizations for use only by members of the organization and not conducted for financial gain.

COMPREHENSIVE PLAN The official document or elements thereof adopted by the Town of Port Royal Town Council, and intended to guide the physical development of the Town. The plan, including maps, plats, charts, policy statement and/or descriptive material, shall be that adopted in accordance with Section 3.1-450 of the Code of Virginia.

COMPUTER AND DATA PROCESSING CENTERS A building in which a business is primarily engaged in the development of processing orders, claims, and similar activities or engineering of software and data management systems.

CONDITIONAL ZONING As part of classifying land within the Town into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance. See Code of Virginia Sections 3.1-430(q), 3.1-491(a), and 3.1-491.1 et seq.

CONDOMINIUM Ownership of single units in a real estate project having common elements and four (4) or more apartments, rooms, office spaces, dwellings or other units, whether such units are located in a multiple unit structure or attached to or detached from other units. Ownership includes fee simple title to a residence or place of business and undivided ownership, in common with other purchasers, of the common elements in the structure(s) including the land and its appurtenances.

CONFERENCE/CONVENTION CENTER Facilities to accommodate conventions or large meetings including retail or commercial establishments necessary to serve the people using such facilities.

CONSERVATION EASEMENT A non-possessory interest of a holder in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestall, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property, as defined in §10.1-1009 of the Code of Virginia.

CONSTRUCTION FOOTPRINT The area of all impervious surface, including but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

CONSTRUCTION OFFICE See OFFICE.

CONTRACTOR'S OFFICES, SHOPS AND MATERIALS STORAGE YARDS

Establishments for the construction and/or repair of buildings, roads and utility lines; installation and servicing of heating, cooling and electrical equipment; flooring, painting, plumbing, roofing, and tiling; and/or excavating.

CONTIGUOUS PARCELS: Parcels which share a common boundary line.

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

CONVENIENCE STORE A commercial establishment designed and intended to serve daily or frequent trade needs of the surrounding population, generally characterized by the retail sale of food, the rapid turnover of customers, high traffic/trip generation, and less than 5,000 square feet of retail area.

CONVENT/MONASTERY The dwelling units of a religious order or congregation. Such facilities may include a sanctuary/church as part of its complex.

COUNTY: The County of Caroline, Virginia.

COURTYARD An open, unoccupied space, other than a yard with a building or group of buildings which is bounded on two or more sides by the building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

CREMATORY A building or portion of a building containing a furnace used to reduce a human body to ash.

CUL-DE-SAC A street segment beginning at the nearest intersection with another street and having only one outlet, and ending with an appropriate turn-around area for safe and convenient reverse traffic movement. See Figures 11, 12, & 13.

CUT-OFF LIGHTING Outdoor lighting from which the peak candle power is directed so that the upper extent of the light beam is not visible above 30 degrees from a line perpendicular to the ground and so as not to illuminate directly any portion of a lot other than the lot on which the light is situated.

DANCE/EXERCISE STUDIO A school devoted to providing instruction in any of varied forms of dance, gymnastics or martial arts.

DANCE HALL, PUBLIC Any place open to the general public where dancing is permitted.

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

DEMOLITION-BY-NEGLECT Allowing a structure(s) to fail from lack of maintenance, abandonment, and disregard of actions necessary to keep the structure(s) in a state of repair necessary for the structure(s) to function.

DENSITY The number of dwelling units per acre.

DEPARTMENT: The Department of Conservation and Recreation of the Commonwealth of Virginia.

DEVELOPMENT (a) Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving utilities, filling, grading, excavation, mining, dredging, or drilling operations. The construction, or substantial alteration, of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures; (b) construction or substantial alteration of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures.

DIAMETER AT BREAST HEIGHT (DBH) The diameter of a tree measured outside the bark at a point 4.5 foot above ground – also known as caliper. See Figure 14.

DISTRIBUTION CENTER A building primarily used for the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

DIRECTOR A Town official, appointed by Town Council

DISTILLATION OF INDUSTRIAL ALCOHOL (ETHANOL) IN CONJUNCTION WITH A FARMING OPERATION

See **MANUFACTURE**.

DISTRICT Districts as referred to in Section 3.2-486 of the Code of Virginia, 1950, as amended.

DOMESTIC FOWL All chickens, ducks, geese, turkeys, or other animals of the aviary species.

DRIPLINE A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVEWAY A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public or private street.

DRUG STORE/PHARMACY A building with an establishment primarily engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

DRY CLEANING OUTLETS A building with an establishment primarily used for the pickup and delivery of dry cleaning and/or laundry. A laundry mat is an accessory use.

DUPLEX See DWELLINGS, MULTIPLE-FAMILY.

DUSTLESS SURFACE A surface adequately covered in accordance with good construction practice; with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Director of Public Works and to be maintained in good condition at all times.

DWELLING Any structure which is designed for use for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, automobile trailers, recreational vehicles, campers, motels and rooming houses.

DWELLING, ACCESSORY OR FAMILY APARTMENT A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling (principle structure).

DWELLING, EXISTING For the purpose of intensive agricultural operations:

- a. A dwelling which is legally occupied on the date an application for an intensive agricultural facility permit is officially filed in the office of the zoning administrator; or
- b. A dwelling for which a building permit has been issued on the date an application for an intensive agricultural facility is officially filed in the office of the zoning administrator.
- c. A dwelling which has been legally occupied for a cumulative period of thirty-six (36) months within the previous sixty (60) months on the date an application for an intensive agricultural facility is officially filed in the office of the zoning administrator.

DWELLING, MULTIPLE-FAMILY A structure arranged and comprised of three (3) or more dwelling units, each of which has an entrance to a hallway or a balcony in common with at least one (1) another dwelling unit. See Figures 3 & 16.

DWELLING, SEASONAL (HOUSING FOR SEASONAL FARM LABOR) A dwelling or lodging unit that is used exclusively by agricultural employees employed full time or seasonally in the Town and is located on a farm and is ancillary and secondary to agriculture.

DWELLING, SINGLE-FAMILY A dwelling unit that is designed to be occupied by one family.

DWELLING, SINGLE-FAMILY DETACHED A single family dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards. See Figure 19.

DWELLING, SINGLE-FAMILY SEMI-ATTACHED

A single-family dwelling attached to one other single family dwelling by a common vertical wall, with each dwelling located on a separate lot. See Figure 17.

DWELLING, ATTACHED A building containing dwelling units, each of which has individual primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses, duplexes, and zero-lot line developments. See Figure 18.

DWELLING, UNIT One or more rooms in a dwelling designed for living or sleeping purposes and having independent cooking and sleeping facilities.

EASEMENT A grant by a property owner of the use of his land by another party for a specific purpose.

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

EMPLOYEE OF A SEXUALLY ORIENTATED BUSINESS A person who performs any service on the premises of a sexually oriented business or, a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

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

EQUESTRIAN FACILITIES A facility for where the public may attend or participate in the following types of activities including, but not limited to, the following: boarding and/or training horses; rodeos and horse shows, horseback riding sales and rentals, tack sales, and steep chase events.

EROSION AND SEDIMENT CONTROL PLAN A document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

EROSION IMPACT AREA An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes [or to shorelines where the erosion results from wave action or other coastal processes.]

ESCORT A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT OF A SEXUALLY ORIENTATED BUSINESS Includes any of the following:

- a. the opening or commencement of any Sexually Oriented Business as new business;
- b. the conversion of an existing business, whether or not a sexually oriented business, to any Sexually Oriented Business;
- c. the additions of any Sexually Oriented Business to any other existing sexually oriented business; or
- d. the relocation of any Sexually Oriented Business.

EXCAVATING Any digging, scooping or other methods of removing earth materials. See Figure 20.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FAIRGROUND The use of land pursuant to a unified and coordinated master plan of development for entertainment and recreational activities including, but not limited to, the following: animal shows and judging, athletic competitions, carnivals, circuses, concerts, community or public meetings, festivals and similar outdoor recreational events, food booths and stands, games, rides, rodeos, special exhibits and shows of equipment, articles for display or sale, educational programming, indoor flea markets, small sales and vending booths and stands, and other uses which are similar in nature and produce no greater noise or visual impact on nearby property than the preceding enumerated uses. A fairground may also include permanent and temporary buildings and structures for the above referenced uses or to support the administrative functions of the fairground and temporary overnight lodging not open to the general public for the accommodation of event workers and exhibitors. The actual number of nights that overnight lodging is permitted shall be determined with the special exception permit but in no case, shall exceed twenty-eight (28) days for a single event.

FAMILY Any of the following groups living together as a single nonprofit and non-commercial housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- a. one (1) person;
- b. one (1) person, together with any number of his/her children (including biological children, stepchildren, foster children, or adopted children);
- c. two (2) or more persons related by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of their children (including

- biological children, stepchildren, foster children, or adopted children): to the second degree of consanguinity
- d. two (2) persons unrelated by blood, marriage, adoption, or guardianship (to the second degree of consanguinity) together with any number of the children of either of them (including biological children, stepchildren, foster children, or adopted children) to the second degree of consanguinity;
 - e. up to four (4) persons unrelated by blood, marriage, adoption, or guardianship to the second degree of consanguinity;
 - f. not more than eight persons who are:
 - 1) residents of a residential facility as defined in § 3.2-2291, Code of Virginia, (1950) as amended, or;
 - 2) “handicapped” as defined in the Fair Housing Act, 42 U.S.C. § 3602(h). This definition does not include persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. § 802 (6).

The following shall not be included in the number of persons who might comprise a family: up to two persons (together with any children of either of them) who may be live-in companions to the elderly or disabled, “au pairs” or domestic employees.

FAMILY APARTMENT A separate, complete housekeeping unit that is substantially contained within the structure or within an accessory structure and clearly secondary to the existing single-family dwelling. A family apartment shall not exceed 1,000 square feet of living space.

FAMILY DAY HOME See CHILD CARE FACILITY.

FAMILY SUBDIVISION A division of land as provided for in the Town of Port Royal Subdivision Ordinance between and/or among the members of an immediate family.

FARM EQUIPMENT SALES, RENTAL, AND SERVICE

See AGRIBUSINESS/AGRICULTURAL SUPPLY ESTABLISHMENT.

FARMER’S MARKET An occasional or periodic market held in a structure or open area where farmers sell their produce or farm products.

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

FILLING Any depositing or stockpiling of earth materials. See Figure 20.

FINAL SITE PLAN A plan delineating the overall scheme of development of a tract of land, including but not limited to grading, engineering design, construction details, and survey data for existing and proposed improvements. See Figure 21.

FINANCIAL INSTITUTION A building wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies.

FLAG LOT A lot in a cluster development for which the minimum frontage for the zoning district in which it is located is not required to be met. See Figure 22.

FLEA MARKET An occasional or periodic market held in a structure or open area where one or more individuals offer goods for sale to the public. "Flea market" does not include sales held by charitable or non-profit organizations not more than four times a sale.

FLEET PARKING The parking and storage of more than five (5) operable vehicles, other than automobiles, which are used in the daily operations of a business not located on-site; or, the parking and storage of more than one (1) vehicle with a gross vehicle weight in excess of ten thousand (10,000) pounds. This is not to be construed to include parking and storage of farm or construction equipment which are not licensed to operate on State roads.

FLOOD OR FLOODING A general or temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters; or, the unusual and rapid accumulation or runoff of surface waters from any source and/or the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.

FLOOD, DESIGN Floods likely to occur under probable conditions at one hundred-year frequencies.

FLOODLIGHT Reflector type light fixture that is attached directly to a building and is unshielded.

FLOODPLAIN (a) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (b) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source; (c) all lands that would be inundated by flood water as a result of storm event of a 100-year return interval. See Figure 23.

FLOOD-PRONE AREA Any land area susceptible to being inundated by water from any source.

FLOODWAY The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height (normally no rise in height is permitted).

FLORIST SHOP A building with an establishment whose principal activity is primarily used for the selling of plants, which are not grown on the site, and conducting business within an enclosed building.

FLOOR AREA The total number of square feet of floor space within the exterior walls of a building, not including space in cellars, basements or attics.

FLOOR AREA, GROSS The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

FLOOR AREA RATIO The ratio determined by dividing the gross floor area of all buildings on a site by the total area of the site (total floor area/site area). See Figure 18.

FOWL, DOMESTIC All chickens, ducks, geese, turkeys, or other animals of the aviary species.

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

FRONTAGE That dimension of a lot measured along the front street line thereof, or if the front street line is curved, along the chord of the arc.

FUNERAL HOME A facility used for the preparation of the deceased for burial and for ceremonies before burial or cremation, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles.

FULLY SHIELDED FIXTURE An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture.

GAME PRESERVE/WILDLIFE SANCTUARIES AND CONSERVATION AREA An area of land upon which a fee maybe charged for public or private hunting or fishing and upon which game or fish are grown or stocked specifically for hunting or fishing on the property.

GARAGE, PRIVATE An accessory building or part of a principal building used as an accessory use only for the storage of not more than three motor vehicles.

GARAGE, PUBLIC A building and the associated land area used for hiring, selling, storing, or parking motor vehicles. The term storing shall not include the storage of any inoperable vehicle as defined by the Code of Virginia.

GARDEN CENTER A facility engaged in the retail sale of plants, seeds, feed, and other supplies and equipment employed in connection with the raising and cultivation of house plants, herbs, flowers, vegetables, row crops, trees, shrubs or other indoor or outdoor plants. All outside storage areas shall be within an enclosed structure with exterior walls composed of split face block or other similar material.

GENERAL DEVELOPMENT PLAN (GDP) A plan showing general land use, circulation, open space, utilities, storm water management, environmental factors, community facilities, housing, impacts, and phasing for parcels of land proposed for development. See Figure 50.

GENERAL STORE A single store, the ground floor area of which is four thousand square feet or less and 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 hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a general store.

GLARE Light that causes annoyance, discomfort, or loss in visual performance and ability.

GRADING Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled conditions.

GOVERNING BODY: The Town Council of Port Royal, Virginia.

GOLF COURSE A facility publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

GOLF COURSE, MAJOR: Facilities for the sport of golf with related golf amenities that may include accessory driving ranges, lodging, restaurants, meeting/conference centers.

GOLF DRIVING RANGE A limited area on which golf players do not walk but onto which they drive golf balls from a central driving tee.

GRAIN ELEVATOR A building primarily used for the elevating, storing, discharging and processing of grain.

GREENHOUSE A facility employing a glass, plastic or similar enclosure for the cultivation or protection of tender plants, flowers or house plants.

GROUP HOME A residential facility licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services, in which no more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons in accordance with § 3.1-486.3 of the Code of Virginia. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in §54.1-3401 of the Code of Virginia.

GUEST HOUSE An attached or detached accessory building used to house guests of the occupants of the principal building and which is never rented or offered for rent. Mobile homes shall not be permitted as a Guest House.

HARDWARE STORE A facility of thirty thousand (30,000) square feet or less of gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies and cutlery. All display, storage and display shall be within a fully enclosed building.

HEALTH DEPARTMENT (VDH) The Virginia Department of Health.

HEALTH OFFICIAL: The Director of the Caroline County Department of Health (which is a division of VDH) or his designee.

HEAVY EQUIPMENT SALES, RENTAL AND SERVICE Any use of land upon which the primary occupation is the sale, rental and/or servicing of farm and construction machinery or vehicles of more than 1.5 tons in weight or vehicles designed to carry more than fifteen (3) passengers. All storage and display shall be within a fully screened area and/or enclosed building.

HIGHLY ERODIBLE SOILS: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

HIGHLY PERMEABLE SOILS: Soils with a given potential to transmit water through the soil profiles. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups “rapid” and “very rapid”) as found in the “National Soil Survey Handbook” of November 1996 in the “Field Office Technical Guide” of the U.S. Department of Agriculture National Resources Conservation Service.

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

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

HISTORIC STRUCTURE Any structure that is listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or, individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an

approved state program as determined by the Secretary of the Interior; or, Directly by the Secretary of the Interior in states without approved programs.

HOME APPLIANCE SALES AND INDOOR SERVICE A building with an establishment which is primarily engaged in the retail sale and service of home appliances, such as washers, dryers, microwave ovens, stoves, and similar equipment. All sales, display, repairs, and storage shall be within a fully enclosed building.

HOME IMPROVEMENT CENTER A facility of more than eighty thousand (80,000) square feet gross floor area, engaged in the retail sales of various basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, garden supplies and cutlery. All display and storage shall be a fully enclosed building. Typically, this use requires a high parking to building area ratio and has a regional sales market. Additionally, bulk sales are part of the marketing program of such a use.

HOME OCCUPATION Any occupation, profession, enterprise or activity conducted solely by one or more members of a family on the premises, which is incidental and secondary to the use of the premises for dwelling, provided:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit or 25 percent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation;
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated;
- d. There shall be no sales, other than items hand-crafted on the premises, in connection with such home occupation;
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street outside of the required front yard;
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Boarding and rooming houses, tourist homes, and private educational institutions shall not be deemed home occupations.

Within the above requirements, a home occupation includes, but is not limited to the following; (a) art studio; (b) beauty shop; (c) dressmaking; (d) professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent or other similar occupation; (e) teaching, with musical instruction limited to one or two pupils at a time; however, a home

occupation shall not be interpreted to include the conduct of nursing homes, convalescent homes, rest homes, restaurants, tea rooms, tourists' homes, massage parlors or similar establishments offering services to the general public.

HOME OCCUPATION, MAJOR An occupation conducted in a dwelling unit, with or without the use of one or more accessory structures, for profit, in connection with, there are employed not more than five (5) persons other than members of the immediate family residing on the premises, which persons may be in addition to family members.

HOMEOWNERS ASSOCIATION, OWNERS ASSOCIATION (HOA), PROPERTY OWNERS ASSOCIATION (PPO), CONDOMINIUM OWNERS ASSOCIATION (COA)

HOME/PROPERTY OWNERS' ASSOCIATION A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

A community association which is organized in a development in which individual owners share common interests in open space or facilities; see **OWNERS ASSOCIATION**.

HORTICULTURAL PRODUCTS Ornamental mulch and wood chips, soils, and similar products made from organic inputs (excluding household waste) such as bark, leaves, grass, brush, land clearing debris, wood waste (e.g. pallets, lumber) and other vegetative materials, plus non-hazardous and uncontaminated add-mixture materials (natural and man-made) such as sand, peat, soil, vermiculite, wood and coal ash, foam beads, and natural and commercial fertilizers used in the formulation of such products. Any mulch, compost or soil products that includes sludge shall not be considered a horticultural product in the context of this ordinance.

HOSPITAL An establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty twenty-four (24) hours a day, inpatient beds, and equipment and facilities to provide complete health care; may also provide emergency room care and less intensive medical uses by right, such as nursing homes, sanitariums, convalescent care, ambulatory care facilities, and homes for the aged.

HOTEL/MOTEL 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.

HOUSEHOLD/OFFICE FURNITURE/FURNISHING SALES CENTER A building with an establishment which is primarily engaged in the retail sale and service of home/office furniture and furnishings, such as sofas, chairs, tables, lamps, art, rugs, and carpets. All display, storage, and repair shall be within a fully enclosed building.

IMMEDIATE FAMILY For the purpose of this ordinance the immediate family shall include grandfather, grandmother, mother, father, son, daughter, granddaughter, grandson, brother, sister, aunt, uncle, niece, nephew.

IMPERVIOUS COVER A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface. See Figure 25.

INDOOR COMMERCIAL RECREATIONAL FACILITY A commercial recreational land use conducted entirely within a building, including but not limited to an arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, community center, movie theater, swimming pool, skating rink, tennis court, and billiard hall.

IN-LAW SUITE A dwelling unit no larger than 750 (gross) square feet as measured from outside dimensions in which no more than 2 persons meeting the definition of “family” reside and which is contained within the structure of a single-family detached dwelling unit and where its presence and use is clearly subordinate to the principal dwelling. For families defined in (v) of the definition of “family” the total number of non-related individuals residing in the principal dwelling and in-law suite cannot exceed four (4).

INOPERABLE VEHICLE Any motor vehicle, trailer or semi-trailer which is not in operating condition; or which for a period of thirty (30) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates, a valid inspection decal, nor a valid Town decal.

INSTITUTE/CENTER FOR SPECIAL TRAINING AND EDUCATION A facility primarily engaged in the provision of training and vocational rehabilitation and habilitation services for the physically, mentally, or emotionally handicapped; includes offices for counseling and teaching specialists; other training facilities or equipment as permitted in the underlying zoning district; overnight or institutional care is prohibited.

INTENSELY DEVELOPED AREAS (IDAS) A portion of an RPA or an RMA designated by the Port Royal Town Council where development is concentrated and little of the natural environment remains.

INTENSIVE AGRICULTURAL OPERATION/FACILITY Any enclosure, pen, feedlot, building or group of buildings used to feed, confine, maintain or stable the following animal types or combination of animal types and number to produce the equivalent of 100 animal units as follows:

- (1) slaughter and feeder cattle.
- (2) mature dairy cattle (whether milked or dry cows).

- (3) swine, each weighing over 55 pounds; or
- (4) horses.
- (5) sheep and lambs.
- (6) turkeys.
- (7) laying hens or broilers.

Any combination of the categories set forth above shall be calculated proportionately by reference of this table to determine the equivalent number of animal units in such combination.

INTENSIVE AGRICULTURAL OPERATION/FACILITY, EXISTING An intensive livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for a total of twelve (12) months within the previous sixty (60) months on the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

INTENSIVE DAIRY OPERATION/FACILITY A facility with accessory uses or structures including feed storage bins, litter storage sites, manure storage sites, manure disposal pits which at any one time has 200 dairy cows.

INTENSIVE LIVESTOCK OPERATION/FACILITY A facility with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, manure storage sites which at any one time has 300 head of cattle, 750 hogs, 30 horses, or 3,000 sheep or lambs, or any combination thereof.

INTENSIVE POULTRY OPERATION/FACILITY A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds which at any one time has more than 1,000 chickens or 1,000 turkeys.

JUNK Any scrap, dismantled, inoperable, or dilapidated vehicles, including parts; machinery; household furniture and appliances; construction equipment and materials; tanks and drums; tires; pipes; wire; wood; paper; metals; rags; glass; and any other kind of salvage or waste material.

JUNK YARD Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or part thereof.

KENNEL A structure, lot or other facility where more than four (4) dogs and other small animals normally kept as pets (excluding farm animals) which are six (6) months of age or older are kept for any purpose.

KENNEL, COMMERCIAL Any kennel which includes commercial breeding, boarding, training and selling of animals.

LABORATORY/TESTING, MEDICAL, PHARMACEUTICAL AND SCIENTIFIC A
building with a facility for scientific laboratory primarily engaged in the analysis of natural resources, medical resources, and manufacturing of materials. This category includes environmental laboratories for the analysis of air, water, and soil, medical and veterinary laboratories, and forensic laboratories for analysis of evidence in the support of law enforcement.

LAND DISTURBANCE Any activity upon which causes, contributes to, or results in the removal or covering of the vegetation upon such land, including, but not limited to, clearing, grading, filling, dredging, or excavating. This term shall not include minor activities such as home gardening, planting of trees and shrubs, and home maintenance.

LAND-DISTURBING ACTIVITY Any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- a. Minor land-disturbing activities such as home gardens and individual home
- b. landscaping, repairs and maintenance work;
- c. Individual service connections;
- d. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard- surfaced;
- e. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- f. Surface or deep mining;
- g. Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- h. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6, Title 10.1 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation. However, however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of Code of Virginia;
- i. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- j. Disturbed land areas of less than 2,500 square feet in size;

- k. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- l. Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and;
- m. Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the Plan-approving authority.

LAND DISTURBING PERMIT A permit issued by the Program Authority for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth in this ordinance.

LANDSCAPED GREEN SPACE The space within the boundaries of a given lot that is designated to enhance the privacy and amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or for a general appearance of openness. Landscaped green space may include but not need be limited to; lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues, and other similar natural or artificial objects, wooded area, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

LANDSCAPING The improvements of a lot with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statues and other similar objects designed and arranged to produce an aesthetically pleasing effect.

LANDSCAPE PLAN A component of a development plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of paved and unpaved surfaces; proposed decorative features; grade changes; buffers and screening methods; parking lot design; and any other information that can be reasonably required in order that an informed decision can be made by the approving authority. See Figure 26.

LIBRARY A building used for the use, but not the sale, of literary, musical, artistic, or reference materials in book and/or digital formats.

LIVE ENTERTAINMENT, DANCING The provision of music, either live or recorded, or live performances for the dancing and entertainment of patrons, ancillary to the operation of a restaurant; provided that when no dance area is provided, the music or performance shall be

included within this definition only when it constitutes the primary reason for the congregation by the patrons.

LOCAL EROSION AND SEDIMENT CONTROL PROGRAM/LOCAL CONTROL PROGRAM An outline of the various methods employed by Caroline County to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

LIVESTOCK All cattle or other animals of the bovine species; all horses, ponies, mules, burros, and asses or other animals of the equine species; all goats or other animals of the caprine species; all swine or other animals of the porcine species; and all sheep or other animals of the ovine species.

LIVESTOCK MARKET A commercial establishment wherein livestock are collected for sale or auction.

LIVESTOCK RAISER, DAIRY OPERATOR, POULTRY GROWER

The owner of the livestock facility, dairy or poultry facility or the land on which the facility or dairy is located.

LOADING SPACE Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen feet high, and having direct usable access to a street or alley.

LOT A designated parcel, tract or area of land established by plat, subdivision or otherwise permitted by law, to be used, developed or built upon as a unit. The grant of an interest, for security or other purpose, in less than an entire lot, or the foreclosure or sale of such interest, shall not be deemed to create a lot. See Figure 27.

LOT, CORNER A lot abutting upon two or more streets at their intersection. All sides of the lot fronting on a street shall be considered the front of the lot for purpose of determining the appropriate setback distance. See Figure 27.

LOT COVERAGE The impervious area of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc. See Figure 25.

LOT DEPTH OF The average horizontal distance between the front and rear lot lines. See Figure 27.

LOT, FRONTAGE The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street-right-of-way. All sides of a lot that abuts a street shall be

considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

LOT, DOUBLE FRONTAGE OR THROUGH An interior lot having frontage on two (2) streets. See Figure 27.

LOT, INTERIOR Any lot other than a corner lot. See Figure 27.

LOT LINE, FRONT The line separating the lot from a street on which it fronts. All corner lots shall be deemed to be a double frontage lot. See Figure 28.

LOT LINE, REAR The lot line opposite and most distant from the front lot line. See Figure 28.

LOT, REGULAR SHAPED A lot which approximates a rectangle.

LOT LINE, SIDE Any lot line other than a front or rear lot line. See Figure 28.

LOT OF RECORD A lot appearing upon a plat lawfully recorded in the office of the clerk of the circuit court, which plat has been approved by the Town in accordance with this chapter and the Town subdivision regulations; or a lot recorded in the office of the clerk of the circuit court by plat or by written deed description, which lot meets the requirements of this chapter and is not required by Town subdivision regulations to be approved by the Town as a subdivision. All previously approved and recorded lots of record at the Caroline Circuit Court by Caroline County, prior to enactment of the Boundary Line Adjustment are valid.

LOT SIZE REQUIREMENTS Restrictions on the dimensions of a lot to include a specified district size, lot area, and width, also established to limit the minimum size and dimensions of a lot in a given zoning district.

LOT, WIDTH OF The horizontal distance between the side lot lines measured at the setback line. See Figure 27.

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

LUMBER YARD A building and associated land area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, but not including the manufacture or fabrication of lumber, lumber products, or firewood.

LUMAN A unit of luminous flux. One foot-candle is one lumen per square foot.

LUMINAIRE A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture.

MACHINE SALES & INDOOR SERVICE A building used primarily for the sales and service of power and rotary equipment. Power equipment includes the following types of items; lawn mowers, chain saws, power washers, generators, and similar types of equipment. All sales, display, repairs, and storage shall be within a fully enclosed building.

MAJOR GOLF COURSE: See Golf Course, Major.

MANUFACTURE AND/OR MANUFACTURING The processing and converting of raw, unfinished materials or products, into articles or substances of different character, or for a different purpose.

MANUFACTURED HOME A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

MANUFACTURED HOME PARK OR SUBDIVISION Any area designed to accommodate two (2) or more manufactured homes intended for residential use.

MEDICAL HARDSHIP LIVING QUARTERS A single-section manufactured home which shall be accessory to the existing single-family dwelling. All occupants living in this structure shall be members of the immediate family. Once the medical hardship ceases to exist, the single-section mobile home shall be removed from the parcel.

MEDICAL OFFICE AND CLINIC See OFFICE, PROFESSIONAL.

MEDICAL TRANSPORT FACILITY A building and the associated land area where an establishment is primarily engaged in providing non-emergency medical transportation services. The vehicles associated with this facility are garaged, maintained and dispatched from this location. All motor vehicles must be registered with the Virginia Department of Motor Vehicles. When services are offered to wheelchair bound patrons it must comply with all applicable regulations of the Virginia Department of Health, Office of Emergency Medical Services (12-VAC 5-31). When the establishment offers non-emergency transportation of Medicaid clients for reimbursement, it must comply with applicable regulations and contract requirements of the Department of Medical Assistance services or its designee.

MINING INDUSTRIES/SAND AND GRAVEL EXTRACTION Any industrial operations, including appurtenant structures such as crushers, screeners, and washers, involving removal from a site of natural accumulations of sand, rock, soil or gravel. The term excludes any other industrial use, such as concrete batching plants or asphalt mixing plants. Extraction of more than five tons of sand and/or gravel per year shall constitute commercial mining.

MINIATURE GOLF A theme oriented building and/or land area recreational facility typically comprised of nine or 18 putting greens, each with a “cup” or “hole”, where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last. Often other recreational uses are associated with this type of facility. These uses typically are as follows; batting cages, indoor arcade, and similar activities.

MODULAR UNIT A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. A modular unit is regulated as an industrialized building unit under Title 36, Chapter 4 Code of Virginia as amended.

MODULAR OR SECTIONAL HOME A dwelling made of two or more modular units transported to home site, placed on a permanent foundation and joined to make a single dwelling, on a permanently improved parcel.

MOTOR VEHICLE BODY AND PAINTING REPAIR FACILITY A building and the associated land area primarily used for the following types of activities; straitening of body parts, replacing of body parts, welding, sanding, sandblasting, and painting of motor vehicles. There shall be no outdoor storage of display or minor/major repair performed at a motor vehicle body and painting/repair facility. Motor vehicle upholstery or repair is an accessory use.

MOTOR VEHICLE MAJOR REPAIR/SERVICE FACILITY A building and the associated land area primarily used for the sale, servicing, installation/repair of major motor vehicle components such as; engines, engine overhauling/rebuilding, transmissions, transmission overhauls/rebuilding, replacing differentials, wheel bearings, hub assemblies, and similar types of major mechanical services. There shall be no outdoor storage/display or body work performed at a motor vehicle major repair service facility. Motor vehicle upholstery or repair is an accessory use.

MOTOR VEHICLE MINOR REPAIR/SERVICE FACILITY A building and the associated land area primarily used for the sale, servicing, and installation/repair of motor vehicle accessories such as; spark plugs, batteries, distributors, tires, brakes, engine fluids, mufflers, tail pipes, hoses and belts, light bulbs and fuses, windshield wipers/blades and similar types of minor repair services. There shall be no outdoor storage/display, major mechanical and/or body work performed at a motor vehicle minor repair service facility.

MOTOR VEHICLE PARTS – SALES A building and the associated land area primarily used for the sale of new automobile parts. No installation, service, or outside storage/display of automobiles, or any associated components is permitted.

MOTOR VEHICLE SALES FACILITY - NEW A building and the associated land area primarily used for the display and sale of new motor vehicles. Used motor vehicle sales are an accessory use associated with a motor vehicle sales facility.

MOTOR VEHICLE SALES FACILITY – USED A building and the associated land area primarily used for the display and sale of used motor vehicles. Storage of inoperable vehicles shall not be permitted.

MOTOR VEHICLE SERVICE STATION Buildings and premises, including not more than three (3) interior service stalls, wherein the primary use is the supply and dispensation, at retail, of gasoline, oil, grease, batteries, tires and motor vehicle accessories.

NEW CONSTRUCTION For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

NONCONFORMING USE/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 or as a result of subsequent amendments to the ordinance. Any use, lot or structure that was unlawful on the date of enactment of this Ordinance, or amendment thereto, shall remain unlawful and shall not be a “nonconforming use”.

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

NONPOINT SOURCE POLLUTION: Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff agriculture and urban land development and use.

NONTIDAL WETLANDS Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986.

NONVEGETATED WETLAND Unvegetated lands lying contiguous to mean low water and between mean low water and mean high water, subject to flooding by normal wind tides but not hurricane or tropical storm tides.

NOXIOUS WEEDS: Weeds that are difficult to control effectively, such as Johnson Grass, Kudzu, and multiflora rose.

NUDE MODEL STUDIO Any place where a person who appears semi-nude, in a state of nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Virginia or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational program in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- a. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- b. where in order to participate in a class a student must enroll at least three days in advance of the class; and
- c. where no more than one nude or semi-nude model is on the premises at any one time.

NUDITY OR STATE OF NUDITY The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

NURSERY A building and/or the associated land area which is primarily engaged in the growth, display and sale of plants, shrubs, trees and accessory materials (not to include power equipment) used in indoor and outdoor planting.

NURSING HOME A facility providing inpatient nursing and rehabilitative services to patients requiring continuous health care or monitoring ordered by or under the care of a physician, but not to the level of hospital services.

ODOR Stimulus affecting the olfactory nerves.

ODOROUS MATTER Material(s) that are a gas, liquid, or solid that causes an odor sensation to a human being.

OFF SITE The area which is outside of the boundary of a lot or parcel.

OFFICE/OFFICE BUILDING A room, studio, suite or building in which an individual transacts his business or carries on an occupation, further defined as **BUSINESS**

OFFICE and **PROFESSIONAL OFFICE**. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of material, goods and products; or the sale and delivery of any materials, goods and products; which are physically located on the premises. An office shall not be deemed to include a vet/animal clinic.

OFFICE, BUSINESS Any room, studio, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis, or the conduct of a business by salesman, sales representatives or manufacturer's representatives.

OFFICE PARK A development that contains a number of separate office buildings, supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

OFFICE, PROFESSIONAL Any room, studio, clinic, suite or building wherein the primary use is the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, dentists or physicians, urban planners and landscape architects, but specifically excluding veterinarians.

ON-SITE The area which is within the boundary of a lot or parcel.

OPEN SPACE That area provided in conjunction with a development that is intended to provide light and air and is designed for the purpose of preserving scenic, natural or historic resources, for the adaptation of a use into its surroundings, for recreational purposes or any combination thereof. Some or all of such open space may be available for entry and use by the residents or occupants of the development or by the public. Open space may include, but need not be limited to, lawns, decorative planting, walk-ways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, wooded areas, water courses, ponds, pastureland, cropland, and woodland. Other uses included in **OPEN SPACE** are listed in the definition thereof. For the purpose of this Ordinance, open space shall include and be qualified as **COMMON OPEN SPACE** and **CONSERVATION OPEN SPACE** as defined herein. See Figure 29.

OPEN SPACE, COMMON Open space within the boundaries of a development that is

designed and set aside for the use and enjoyment of the residents of the development, not including any conservation open space. To be considered as common open space, the open space so considered must be conveyed, with appropriate restrictions as to use, to a bona fide property owners' association. Common open space shall not include any part of any individual lot, driveways, parking lots of other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings, driveway, parking lot or drainage areas, as to have no substantial value as open space. See Figure 29.

OPEN SPACE, CONSERVATION That open space that is designed and set aside for the ownership, use and enjoyment of a person not necessarily a resident or occupant of the development, the property owners' association or condominium. Conservation open space may include structures allowed in accordance with uses identified in the Town of Port Royal Zoning Ordinance as well as those listed in the definition of OPEN SPACE above. See Figure 29.

OPEN SPACE RATIO The total area of open space divided by the total site area in which the open space is located (open space/site area). See Figure 30.

OUTSIDE LIGHTING FIXTURE An electrically powered illuminating device or other outdoor lighting fixture, including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to search, spot flood and area lighting.

OUTSIDE STORAGE The keeping of goods or materials, excluding junk, outside of a building, and which shall be considered as an accessory use, unless specifically classified as a principal use (such as a contractor's storage yard or building material sales yard).

OWNER The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

PARCEL A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the Office of the Clerk of the Circuit Court of Caroline County. For the purpose of this ordinance, the terms parcel, lot, tract and plot are synonymous.

PARISH HOUSE, RECTORY/PARSONAGE The permanent place of residence of a pastor or minister of a church.

PARKING, ACCESSIBLE Parking spaces designed to meet the requirements of the Americans with Disabilities Act (ADA). See Figures 31 to 37.

PARKING, OFF STREET An open area paved with asphalt, cement, concrete, or other dustless surface, located outside the public right-of-way, primarily used for the storage, for limited periods of time, of operable motor vehicles available to the public, whether for compensation, free, or as an accommodation to clients or customers. See also PARKING LOT.

However, parking on areas with a vegetative cover which is dustless and prevents erosion is permitted. See Figures 31 to 37.

PARKING, ON STREET Space provided for motor vehicle parking excluding travel ways providing access to parking and loading areas, located within dedicated rights-of-way. See Figures 31 to 37.

PARKING LOT An off-street, paved area to be used for the storage, for limited periods of time for passenger and commercial motor vehicles as an accommodation to clients, customers, and employees. Typically paving consists of asphalt or concrete. See Figures 31 to 37.

PARKING SPACE A designated area which is available and usable for parking a single vehicle. See Figures 31 to 37.

PARKING, REAR In a commercial development where the stores are located close to the arterial or major street and parking is located to the rear of the commercial structures. See Figure 38.

PARKING SPACE A designated area which is available and usable for parking a single vehicle. See Figures 31 to 37.

PERENNIAL STREAM A water body with water flowing in a natural or man-made channel year-round, except during periods of drought. The term “water bodies” includes estuaries and tidal embankments and may include ditches or channels constructed in wetlands or from former natural drainage ways, which convey perennial stream, or through which a perennial stream flows are part of a perennial stream. Generally, the water table is located above the streambed for the most of the year and groundwater is the primary source for stream flow.

PERMITTEE FOR LAND DISTURBING ACTIVITIES The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

PERMITTEE FOR A SEXUALLY ORIENTATED BUSINESS A person in whose name a permit to operate a Sexually Oriented Business has been issued.

PERSON Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

PET A companion animal that does not include livestock or domestic fowl.

PLAN-APPROVING AUTHORITY The Town of Port Royal Town Council agent and/or designee.

PLAN OF DEVELOPMENT (POD) The process for site plan or subdivision plat review to ensure compliance with Section 10.1-2109 of the Code of Virginia and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

PLANNED DEVELOPMENT A contiguous land area of a minimum size, as specified by district regulations, to be planned and developed using a common master zoning plan, and containing one or more uses and appurtenant common areas.

PLANTING DETAILS The specific planting and guying for trees and shrubs to be planted on a development site. Such details shall always be included on the final site plan. See Figure 39 & 40.

PLAT A document, prepared by a surveyor or engineer, licensed by the Commonwealth of Virginia, which delineates property lines, and shows monuments and other landmarks for the purpose of identifying property. See Figure 41.

PLUMBING AND ELECTRICAL SUPPLY OUTLETS A building with an establishment primarily engaged in the retail sale of plumbing and electrical supplies.

PRELIMINARY SITE PLAN An informal plan showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan, a storm drainage plan, and a plan showing the location of recreation spaces, parks, schools, and other public or community uses where applicable.

PRINT, PUBLISH, ENGRAVE AND COPY SERVICES A building with an establishment primarily engaged in the custom reproduction of written or graphic materials on a customer order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, offset printing, and facsimile sending and receiving.

PRIVATE SCHOOL A bona fide educational institution other than a public school that provides instruction which is equivalent to public school education to public school-age children, and which may involve the boarding of pupils who, in the ordinary course of events, return annually to the homes of their parents or guardian for not less than two (2) months of summer vacation.

PROCESSING See **MANUFACTURING**.

PROFFER A condition voluntarily offered by the applicant for a rezoning that limits or qualifies how the property in question will be used or developed. Terms of any proffer must be submitted in writing by the applicant prior to a public hearing before the Port Royal Town Council. Upon approval, the conditions (proffers) become part of the rezoning and remain in effect even if the property is sold. Proffers are subject to enforcement.

PROGRAM AUTHORITY. Port Royal Town Government, which has adopted a soil erosion and sediment control program approved by the Town Council.

PROPERTY MANAGER’S RESIDENCE Single family detached dwelling for an agent (and his family) of the property owner, who resides on the property to provide general supervision and care of the property and principle structure.

PUBLIC BILLIARD PALORS AND POOL ROOMS, BOWLING ALLEYS, DANCE HALLS, SWIMMING POOLS, AND OTHER FORMS OF PUBLIC AMUSEMENT.

See **INDOOR COMMERCIAL RECREATIONAL FACILITY.**

PUBLIC FACILITIES Any facility exclusively for public purposes without references to the ownership of the building, structures or property upon which it is situated by any department or branch of the federal government, Commonwealth of Virginia, or Town of Port Royal. Public facilities shall include but not be limited to: libraries, schools, administrative offices, police, fire and rescue facilities.

PUBLIC ROAD A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, (VDOT), including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed and maintained, or both, by the Town of Port Royal in accordance with VDOT standards. Public Roads do not include roads designed and/or constructed by a private developer using VDOT standards.

PUBLIC SEWER SYSTEM A sanitary sewer system owned and operated by a municipality or county, or owned and operated by an authority or corporation approved by the governing body and properly licensed by the State of Virginia, which is engaged in regularly supplying the general public with a potable water service system.

PUBLIC UTILITIES, DISTRIBUTION Those items necessary to distribute public utility services including poles, lines, distribution transformers, pipes, meters or other facilities necessary for the provision and maintenance of such utilities. Public utilities include water and sewerage facilities.

PUBLIC UTILITIES, GENERATION Those facilities used in the manufacture or development of electric power for sale to the public.

PUBLIC UTILITIES, TRANSMISSION Facilities other than normal distribution facilities, pipes, meters, and water and sewerage facilities. (e.g. substations, high-power electrical lines, etc.).

PUBLIC WATER AND SEWER SYSTEMS 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.

RECESSED CANOPY FIXTURE An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

RECONSTRUCTION Any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials. This also includes the redevelopment, renovation, remodeling and alteration of a pre-existing building/site.

RECORD DRAWING A map prepared by an engineer or surveyor licensed by the Commonwealth of Virginia, that establishes survey controls, boundaries, locations of improvements (public and private), and the alignments of right-of-way's after all construction is complete.

RECREATIONAL FACILITIES/PARKS AND PLAYGROUNDS Land dedicated to provide both passive and active recreational activities which is publicly owned or controlled. See General Standards on Table 1.

TABLE 1: GENERAL STANDARDS FOR RECREATIONAL FACILITIES

**TYPE OF FACILITY NATIONAL PARKS & RECREATION FACILITIES
2002 VIRGINIA OUTDOORS PLAN**

Softball Fields	1/5,000 Population 1/3,000 Population
Little League Fields	1/5,000 Population 1/6,000 Population
Soccer Fields	1/10,000 Population 1/5,000 Population
Paddle Tennis Courts	No Standard No Standard
Field Hockey Fields	1/20,000 Population 1/25,000 Population
Basketball Courts	1/5,000 Population 1/5,000 Population
Baseball Fields	1/5,000 Population 1/6,000 Population
Volleyball Courts	1/5,000 Population 1/1,000 Population
Football Fields	1/20,000 Population 1/10,000 Population
Tennis Courts	1/2,000 Population 1/2,000 Population
Trails 1 System Per Region	No Population Based Standard
Swimming Pools	1/20,000 Population 1/20,000 Population
Running Track	1/20,000 Population NA
Community Center	1/25,000 Population 1/25,000 Population
Playgrounds/Tot Lots	No Population Based Standard

RECREATIONAL FACILITIES FOR RESIDENTS Private recreational facility for use solely by the residents and guests of a particular residential development including indoor and outdoor facilities.

RECREATIONAL VEHICLE A vehicular, portable structure built on a chassis containing 400 square feet or less and is designed to be self-propelled or towed by another motor vehicle. This vehicle is designed to be used for temporary occupancy for travel, recreational or vacation use; it's gross weight does not exceed 4,500 pounds or of being of any weight provided its overall length does not exceed 29 feet. A recreational vehicle shall include the following types of vehicles; travel trailers, motor homes, boats, house boats, camping shells on trucks, pop-up tents, and campers. A mobile home is NOT a recreational vehicle.

RECYCLING PLANT A facility excluding a junkyard, in which resources, including newspapers, magazines, books, and other paper products, glass, metal cans are located, reprocessed, and treated to return the products to a condition in which they may again be used for production. All activities except loading or unloading shall be conducted inside a building.

REDEVELOPMENT See RECONSTRUCTION.

REGULATIONS, CBLAD The Chesapeake Bay Preservation Designation and Management Regulations, VAC 10-20-10, et seq, promulgated by the Chesapeake Bay Local Assistance Board, as amended.

RELIGIOUS RETREAT A place for contemplation of a religious nature.

RENTAL CENTER A building with an establishment primarily engaged in offering a variety of products for short or long-term leasing/rental. Such products may include, but are not limited to, household appliances, televisions, furniture, tables, chairs, party equipment, power equipment, and similar items (but does not include heavy equipment such as trucks, earth moving equipment (graders, bull dozers, cranes, etc.)).

REPAIR SERVICE ESTABLISHMENT Any building wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding fifteen (3) horsepower; or any building wherein the primary occupation is interior decorating including reupholstering and the making of draperies, slip covers and other similar articles. All activities including storage must be conducted within an enclosed building.

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

RESEARCH AND DEVELOPMENT FACILITY

A facility primarily used for the administration and conduct of investigation, examination, prototype production, experimentation, testing, and/or training aimed at the discovery and interpretation of facts, theories, and/or the practical application of the above products or processes.

RESIDENCES, ACCESSORY See ACCESSORY USE/STRUCTURE.

RESIDENTIAL SALES OFFICE The use of not more than one house per platted section of a subdivision, for an office for the sale of new homes within the subdivision. If more than one company is constructing houses in a section of the subdivision, each builder may have one residential sales office.

RESOURCE MANAGEMENT AREA (RMA) That component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resources Protection Area.

RESOURCE PROTECTION AREA (RPA) That component of the Chesapeake Bay Preservation Area comprises of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

RESPONSIBLE LAND DISTURBER. An individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia

RESTAURANT Any establishment, however designated, in which the principal use is the preparation and sale of food and beverages. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park, operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RESTAURANT, FULL SERVICE A retail food service establishment with table service (order placement and delivery) provided to patrons; also including cafeterias with table attendants.

RESTAURANT, DRIVE-IN Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a "fast food" or primarily a "carry out" establishment.

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

RETAIL FOOD ESTABLISHMENT A building in which the primary use is the retail sale of a complete assortment of food (prepared/cooked and un-prepared). food preparation supplies and wrapping materials and household cleaning and servicing items. Prepared food may be consumed on the premises or offered for care out.

RETAIL STORES AND SHOPS A building and the associated land area used primarily for sale of merchandise at retail for consumption by the immediate purchaser or for the rendering of personal services, including, but not limited to, the following: barber shop, beauty parlor, drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, shoe store, tailor shop; but specifically excluding building material sales; and storage yards.

REVERSE FRONTAGE LOTS A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. See Figure 42.

RIGHT-OF-WAY A strip of land occupied or intended to be occupied by a public or private street, crosswalk, or railroad, or other similar use.

ROOF The outside top covering of a building.

ROOF, FLAT A roof that is not pitched and the surface of which is generally parallel to the ground. See Figure 43.

ROOF, GABLE A ridged roof forming a gable at both ends of the building. See Figure 43.

ROOF, GABRELL A gabled roof with two (2) slopes on each side, the lower steeper than the upper. See Figure 43.

ROOF, HIP A roof with sloping ends and sides. See Figure 43.

ROOF, MANSARD A roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper. See Figure 43.

ROOF, SHED A roof with one (1) slope. See Figure 43.

RURAL COMMERCIAL RECREATIONAL USE A private, fee-supported, indoor or outdoor activity with or without structures, which may involve athletic training, mastered skills, innate or acquired talents, with recreational supervision.

SANITARY LANDFILL A facility owned and operated by the governing body which accepts nonhazardous debris, trash or waste, which is covered with clean fill after each day's operation, and which meets all standards of and is, properly licensed by the Virginia Department of Waste Management.

SAWMILL A facility where logs or partially processed and are sawn, split, shaved stripped, chipped, or otherwise processed to produce wood products.

SAWMILL, TEMPORARY A portable sawmill located on private property for the processing of timber cut from the property or from property immediately contiguous and adjacent thereto.

SCREENING AREA An area intended to separate and partially obstruct the view of an abutting land use or property from another. The buffer area shall remain free of buildings or structures except when specifically permitted, and shall either be landscaped or retain existing vegetation.

SEASONAL EVENTS FACILITY A facility where private/public events are held on a regular basis during the course of a year. This includes annual celebrations, craft shows, and turkey shoots. This does not include carnivals, circus, and fairs.

SEMI-NUDE OR IN A SEMI-NUDE CONDITION The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

SETBACK The minimum distance by which any building or structure must be separated from a lot line.

SEWAGE DISPOSAL SYSTEM (PRIVATE SEPTIC) A privately owned and maintained sewage disposal system, licensed by the VDH, which is composed of an underground system of pipes to disperse the effluent with a septic tank used for the decomposition of domestic wastes. See Figure 44.

SEXUAL ENCOUNTER CENTER A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS An adult arcade, adult bookstore, adult novelty store, adult video store, adult live entertainment, adult motel, adult movie theater, adult theater, escort agency, nude model studio, or sexual encounter center.

SHIELDED OR SCREENED FROM VIEW The screened object is not visible by someone standing at ground level from outside the property on which the screened object is located.

SHOE REPAIR See RETAIL STORES AND SHOPS.

SHOOTING RANGE A place where shooting is practiced, including: rifle, pistol, skeet, trap and archery (including crossbows).

SHOPPING CENTER, COMMUNITY A contiguous grouping of a minimum of six (6) commercial enterprises comprising gross floor area not more than 75,000 square feet.

SHOPPING CENTER, NEIGHBORHOOD A contiguous grouping of a minimum of four (4) commercial enterprises comprising gross floor area not more than 50,000 square feet gross floor area.

SHOPPING CENTER, REGIONAL/MALL A contiguous grouping of a minimum of eight (8) or more commercial enterprises comprising gross floor area more than 100,000 square feet.

SIGHT TRIANGLE A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See Figure 45.

SIGN Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, or 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 AREA The area of a sign shall be determined from its outside measurements, including any wall work incidental to its decoration, but excluding, supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back-to-back, that is, on opposite side of the sign, the area shall be considered to be that of only one face. In the case of an open sign made up of individual letters, figures, or designs, the area shall be determined as if such display were made on a sign with straight lines or circular sides. See Figure 46.

SIGN, AWNING A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning. The location and area of awning signs shall be governed by the requirements for wall signs. See Figure 47.

SIGN, BUSINESS A sign either freestanding or projecting on wall, which directs attention to a product, commodity or service available on the premises.

SIGN, CANOPY Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. See Figure 48.

SIGN, CHANGEABLE COPY A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this Ordinance.

SIGN, FREESTANDING A business sign located upon a parcel of land supported by structures or supports secured on/in the ground, not attached to any building. See Figure 47 & 49.

SIGN, GENERAL ADVERTISING A sign which directs attention to a product, commodity, or service not necessarily available on the premises or which directs attention to the approximate location of an establishment. See Figure 47.

SIGN, HOME OCCUPATION A sign not exceeding four (4) square feet in area directing attention to a product, commodity, or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, ILLUMINATED A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting. Only the letters and/or numbers shall be illuminated, all other sign area shall be opaque and non-illuminated.

SIGN, MONUMENT A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure can be no more than 120 percent of the width of the base.

SIGN, PORTABLE A sign attached to a chassis and/or trailer which is designed to be mobile. Such signs must have a special exception. See Figure 47.

SIGN, PROJECTING A business sign erected, projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six (6) feet from the wall surface of the building on which it is erected. See Figure 47.

SIGN, PUBLIC A signed owned and erected by a Federal, State or local government agency.

SIGN, SUBDIVISION A sign, sixty (60) square feet or less in aggregate area and six (6) feet or less in height, identifying a subdivision and located at the entrances to the subdivision. Subdivision signs shall be setback from any right-of-way and street intersection so as not to obstruct the clear site triangle.

SIGN, TEMPORARY EVENT A sign, describing a seasonal or specific event or

activity to be conducted upon the lot or premises upon which the sign is located. Such sign may be erected not more than one month before the event or activity described, shall be removed within one (1) week of its conclusion. In no event shall the sign be displayed for a period longer than six (6) months in any one calendar year. Signs advertising construction activity may remain in place until the construction is completed.

SIGN, WALL A business sign erected or painted on a building visible from the exterior, no part of which is more than twelve (12) inches from the surface of the building on which it is erected, such sign may be illuminated. See Figure 47.

SIGN FACE The area or display surface used for the message. See Figure 46.

SIGN STRUCTURE The supports, uprights, bracings and framework of any structure, be it single-faced, double-faced, V-type or otherwise, exhibiting a sign.

SILVICULTURE Bona fide forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to § 10.1-1105 of the Code of Virginia and are located on property defined as real estate devoted to forest use under § 58.1-3230 of the Code of Virginia.

SINGLE-FAMILY RESIDENCE A noncommercial dwelling that is occupied exclusively by one family.

SKETCH PLAN Also known as a concept plan or a general development plan, is informal but is of sufficient accuracy to be used for the purpose of discussion and classification See Figure 50.

SLOPE The deviation of surface from the horizontal, usually expressed in percent or degrees. See Figure 51.

SOIL AND WATER CONSERVATION BOARD The Virginia Soil and Water Conservation Board

SOIL AND WATER CONSERVATION DISTRICT The Hanover-Caroline Soil and Water Conservation District.

SPECIAL EVENTS FACILITY A facility where private weddings and parties and other similar events which shall not be open to the public.

SPECIAL EXCEPTION/USE A use not permitted in a particular district except with the approval of the Town Council as provided for in this ordinance; upon approval, a special use permit shall be issued authorizing such use.

SPECIAL FLOOD HAZARD AREA The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

SPECIFIED ANATOMICAL AREAS Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES Human genitals in a state of sexual stimulation or arousal; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

STANDARD INDUSTRIAL CLASSIFICATION OF ESTABLISHMENTS CODES (SIC CODES) The current edition of the publication of the Executive Office of the President, Office of Management and Budget, which classifies establishments by type of activity in which they are engaged, and intended to promote uniformity and comparability in the analysis of economic activity.

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

STATE EROSION AND SEDIMENT CONTROL PROGRAM/STATE PROGRAM The program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia, § 10.1-560, et seq., including regulations designed to minimize erosion and sedimentation.

STATE WATERS All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.

STORAGE BUILDING See ACCESSORY USE/STRUCTURE.

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

STORY, HALF A 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 OR ROAD A public thoroughfare 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.

STREET, SYSTEM Describes the local transportation network which may be made up of the following types of roads: freeways, expressways, arterials, collectors, service, local, and private. See Figure 52.

STRUCTURE Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground including dwellings, buildings, signs, etc.

SUBSTANTIAL ALTERATION The expansion or modification of a building or development that would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

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

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS The increase in floor areas occupied by the business by the business by twenty-five percent (25%) or more, as the floor areas exist as of the effective date of this ordinance.

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

SUBDIVISION The subdivision of a parcel in accordance with the conventional lot area and dimensional requirements specified for a zoning district in accordance with Article XII of this ordinance.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS The increase in floor areas occupied by the business by the business by twenty-five percent (25%) or more, as the floor areas exist as of the effective date of this ordinance.

SURVEYOR, REGISTERED A person who is registered with the State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape architects as a land surveyor.

TAXIDERMY A building in which the primary use is the preparing, stuffing, and mounting of animal skins.

TECHNICAL REVIEW COMMITTEE (TRC) The committee consisting of governmental agency representatives as designated by the individuals designated by Port Royal Town Council, with the responsibility for the technical review of subdivisions, site plans, rezonings, special use permits and comprehensive plan amendments.

TEMPORARY STORAGE When an object is stored or displayed for less than 48 hours on a parcel of land.

TEMPORARY USE(S) Any use of land for temporary or seasonal events such as turkey shoots, yard sales or other similar events where no fee is charged for admission or to participate in activities at such event, nor donations are accepted in lieu of charging fees. For purposes of this ordinance, this definition shall not apply to public facilities or not for profit volunteer organizations such as fire departments, where the use is incidental to raising funds for the operation of the organization.

TERMINAL, BUS A building and the associated land area primarily used for the handling, receiving, and transferring of passengers from incoming and outgoing buses. Accessory to this terminal is the storage and repair of buses in a fully enclosed building with no outdoor display or storage of materials associated accessory use.

THEATER A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

Therapeutic Health Facility A facility which uses a variety of programs for diagnosis, treatment, care and counseling for patients with non-violent behavioral disorders. A variety of recreational programs and/or activities may be used as part of the treatment program.
(Adopted 1/09/07)

TIDAL SHORE Land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

TIRE RETREADING AND/OR RECAPPING A building and the associated land area primarily used for the collection of used tires which shall be used in a retreading process. There shall be no more than 50 tires stored on the site at any one time.

TOPOGRAPHIC MAP A map of a portion of the earth's surface showing its relative elevation.

TOT LOT An improved and equipped play area for small children usually up to elementary school age.

TOURIST COURT, AUTO COURT, AUTEL, CABIN, OR MOTOR LODGE One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

TOURIST HOME A dwelling where only lodging is provided for compensation for up to 14 (fourteen) persons (in contradistinction to hotels and boarding houses) and open to transients.

TOWER A structure of a skeleton framework or construction on which an antenna for the broadcasting and reception of electromagnetic signals is mounted or which may operate as broadcasting or receiving antenna. Guy wires, framework, or other stabilizing devices are to be treated as a part of the structure.

TOWING SERVICE An establishment that provides for the removal and temporary storage of motor vehicles but does not include disposal, permanent storage, disassembly and salvage or accessory storage of motor vehicles. This does not include a motor vehicle repair/service facility that has a tow truck and repairs motor vehicles off-site.

TOWING SERVICE OPERATION A business that provides for the removal and temporary storage of motor vehicles from public or private property by towing, carrying, and/or hauling, and includes the on-site parking of tow-trucks. (Adopted 4/11/06)

TOWING STORAGE LOT A parcel of land used as part of a bona fide towing service, where motor vehicles are towed or hauled for temporary storage, not to exceed 120 days.

TOWN Town of Port Royal, Virginia

TOWN COUNCIL; COUNCIL Port Royal Town Council.

TRADE, TECHNICAL, AND VOCATIONAL SCHOOL A school providing specialized vocational education courses; including offices, classroom facilities, laboratories or other specialized training facilities.

TRADE, TECHNICAL, AND VOCATIONAL SCHOOL, INDOOR A school providing specialized vocational education courses in which all instruction, practice, demonstration and other related activities are conducted wholly within a building.

TRADE, TECHNICAL, VOCATIONAL SCHOOL, OUTDOOR A school providing specialized vocational education courses in which all or part of the instruction, demonstration, practice and other related activities are conducted outdoors, including but not limited to instruction in the operation of vehicles and heavy equipment.

TRAINING CENTER FOR HANDICAPPED See **INSTITUTE/CENTER FOR SPECIAL TRAINING AND EDUCATION**.

TRANSPORTING Any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

TRASH Rejected or household waste food, offal, and swill composed of vegetable and animal substances. All garbage, rubbish, garden trash, and waste materials including but not limited to bottles, glass, cans, scrap metal, junk, paper, disposable packages, construction scraps and debris and all other similar materials of any kind or nature whatsoever that creates a public health, safety, or fire hazard or a public nuisance.

TRAVEL TRAILER A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation having body width not exceeding eight feet and being of any length; provided, that its gross weight does not exceed four thousand five hundred (4,500) pounds, or being of any weight; provided, that its body length does not exceed twenty-nine (29) feet.

TREE, CALIPER See **DIAMETER AT BREST HEIGHT** and Figure 14.

TREE, CANOPY A tree that, at the time of planting, is at least twelve (12) feet tall above the highest root, has a minimum caliper of three (3) inches diameter at breast height (DBH), and is one of the species listed in this ordinance for canopy trees.

TREE, MATURE Any tree with a trunk with a diameter of ten (10) inches or more, measured at breast height.

TREE, PROTECTION Methods used ensure the survival of existing trees on a development site. See Figure 53.

TREE, UNDERSTORY A tree that, at the time of planting, is at least five (5) feet tall above the highest root and is one of the species listed in this ordinance for understory trees.

TRIBUTARY STREAM Any perennial stream that is so depicted on the most recent U.S. Geological Survey 7-1/2 minute topographic quadrangle map (scale 1:24,000).

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

TRUCK TERMINAL Any building or land devoted principally to the servicing, fueling, repair, storage, sales and leasing of trucks as defined in Section 46.2-100 of the Code of Virginia, or any of the above; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in the zoning district(s) where a truck terminal is allowed.

TRUCK/FREIGHT TERMINALS A building and associated land area primarily used for the receipt, transfer, and storage of goods transported by truck. Such goods are not subject to any manufacturing or re-manufacturing processes.

UNDISTURBED GRADE The grade and elevation of land prior to excavation, filling, or grading.

UPHOLSTERING SHOP A building and the associated land area primarily used for the repair and replacement of upholstery to household and office furnishings. Motor vehicle upholstery or repair and outdoor storage/display is not permitted.

USE An activity on the land other than development including, but not limited to, agriculture, horticulture, and silviculture.

USE, ACCESSORY See **ACCESSORY USE**

VARIANCE A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only 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 nonconformities in the zoning division or district or adjoining zoning divisions or districts.

VEGETATED WETLANDS Any lands lying between and contiguous to mean low water and an elevation above mean lower water equal to the factor one and one-half times the mean tide range at the site of the proposed project in the Town, and upon which is growing any of the following species: saltmarsh cordgrass (*Spartina alterniflora*), saltmeadow hay (*Spartina patens*), saltgrass (*Distichlis spicata*), black needlerush (*Juncus roemerianus*), saltwort (*Salicornia* spp.), sea lavender (*Limonium* spp.), marsh elder (*Iva frutescens*), groundsel bush (*Baccharis halimifolia*),

wax myrtle (*Myrica* sp.), sea oxeye (*Borrichia frutescens*), arrow arum (*Peltandra virginica*), pickerelweed (*Pontederia cordata*), big cordgrass (*Spartina cynosuroides*), rice cutgrass (*Leersia oryzoides*), wildrice (*Zizania aquatica*), bulrush (*Scirpus validus*), spikerush (*Eleocharis* sp.), sea rocket (*Cakile edentula*), southern wildrice (*Zizaniopsis miliacea*), cattail (*Typha* spp.), three square (*Scirpus* spp.), buttonbush (*Cephalanthus occidentalis*), bald cypress (*Taxodium distichum*), black gum (*Nyssa sylvatica*), tupelo (*Nyssa aquatica*), dock (*Rumex* spp.), yellow pond lily (*Nuphar* sp.), mards fleabane (*Pluchea purpurascens*), royal fern (*Osmunda regahs*), marsh hibiscus (*Hibiscus moscheutos*), beggar's tick (*Bidens* sp.), smartweed (*Polygonum* sp.), arrow head (*Sagittaria* spp.), sweet flag (*Acorus calamus*), water hemp (*Amaranthus cannabinus*), reed grass (*Phragmites communis*), or switch grass (*Panicum virgatum*).

VETERINARY CLINIC See ANIMAL CLINIC.

WAREHOUSE, MINI STORAGE A building or group of buildings with limited or controlled access consisting of individual, small, self-contained units or vaults are rented or leased for the storage of business and/or household goods. Each unit is physically separated from other units and access is often provided through an overhead door. All items are stored within a fully enclosed building.

LIGHT WAREHOUSING & WHOLESALING/WAREHOUSING

Storage and shipping operations for goods, commodities and merchandise, and which may include both indoor and outdoor storage. Also see **DISTRIBUTION CENTER**.

WATER-DEPENDENT FACILITY The development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities.

WATERCOURSE A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Adopted 1/27/09)

WAYSIDE/ROADSIDE STAND OR MARKET Any structure or land used for the sale of agricultural or horticultural produce, all of which has been raised on the same parcel.

WETLANDS Tidal, nontidal, vegetated and non-vegetated wetlands.

WETLANDS, NONTIDAL Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to

Section 404 of the Federal Clean Water Act, in 33 C.F.R. 328.3b, dated November 13, 1986. Wetlands generally include swamps, marshes, bogs and similar areas.

WETLANDS, TIDAL Vegetated and non-vegetated wetlands as defined in of Section 28.21300 of the Code of Virginia.

WHOLESALE The sale of merchandise to retailers, to industrial, commercial, institutional, professional business users, or other wholesalers.

WOOD PRESERVING OPERATION/FACILITY A building and associated land area primarily used for the application of chemicals to wood products to enhance their resistance to rotting and deterioration.

WOOD/TIMBER YARD A facility primarily used for the storage of wood products (bark, chips, or logs) and the preparation for transport to manufacturing plants or mills.

YARD An open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided herein. See Figures 54 & 55.

YARD, FRONT An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot. See Figures 54 & 55.

YARD, REAR An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot. See Figures 54 & 55.

YARD, SIDE An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line. See Figures 54 & 55.

ZONING ADMINISTRATOR The official charged with the enforcement of the zoning ordinance, as appointed by Town of Port Royal Town Council.

LIST OF FIGURES

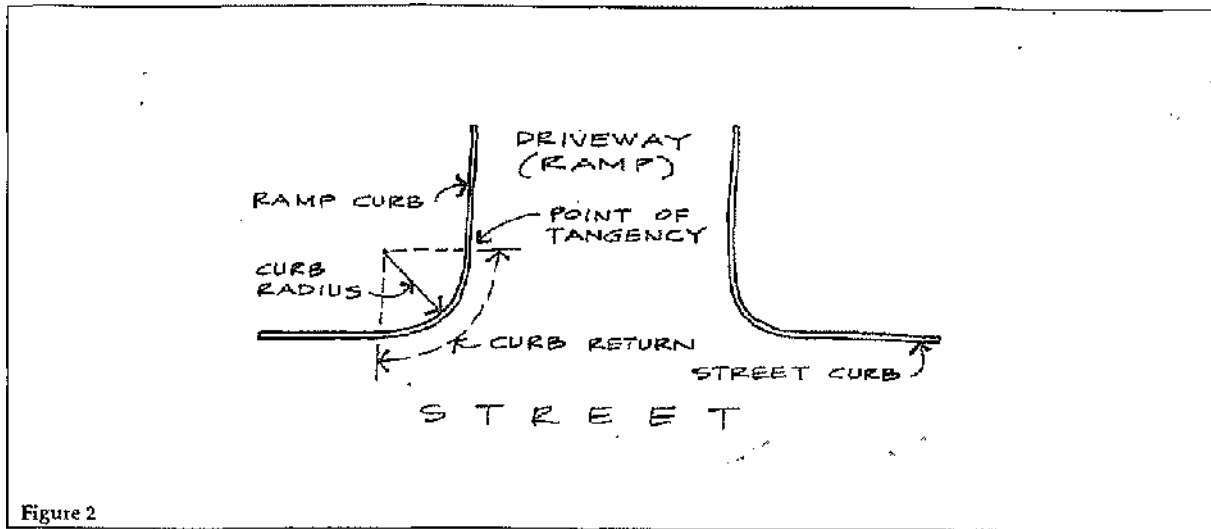
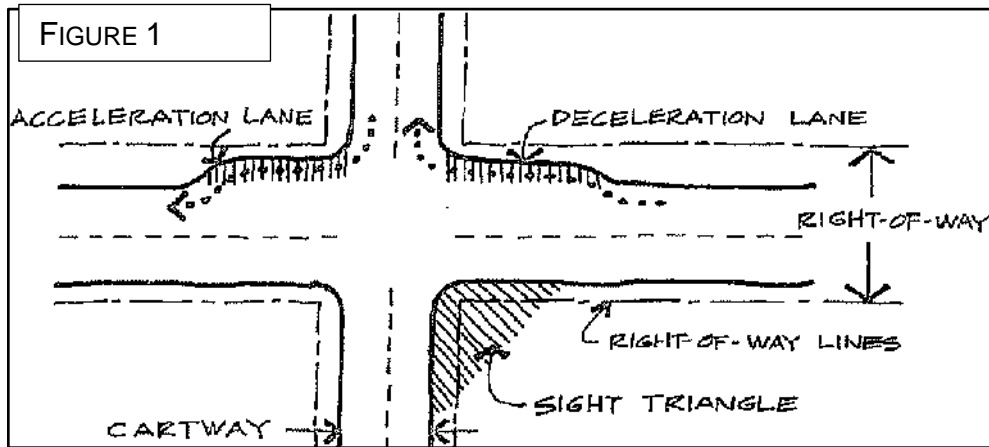


Figure 2

FIGURE 3

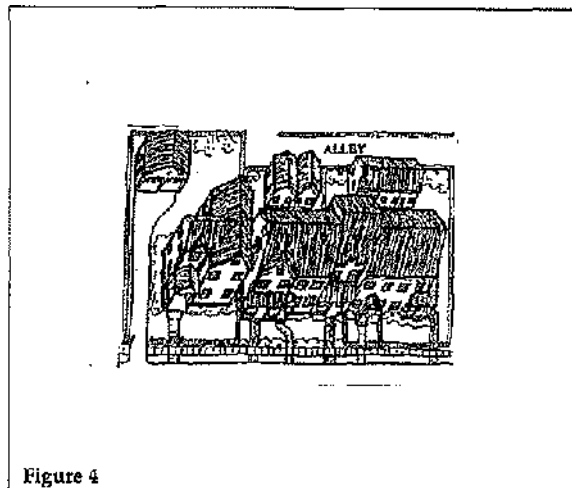
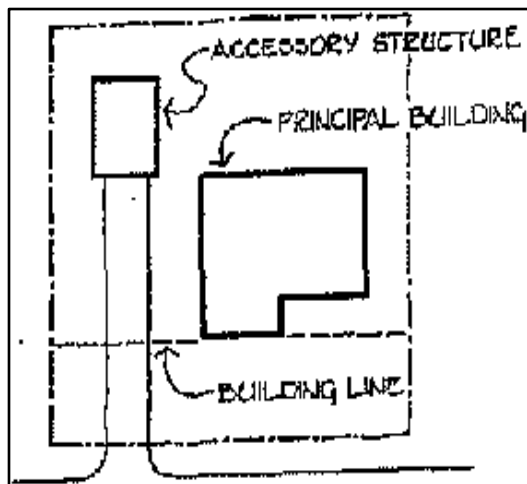


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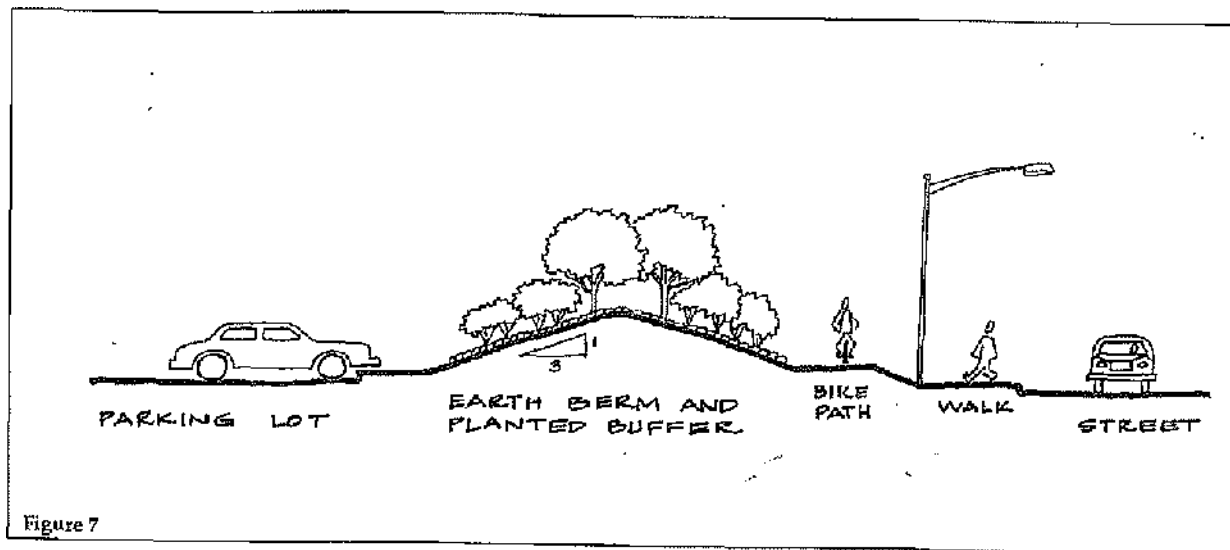
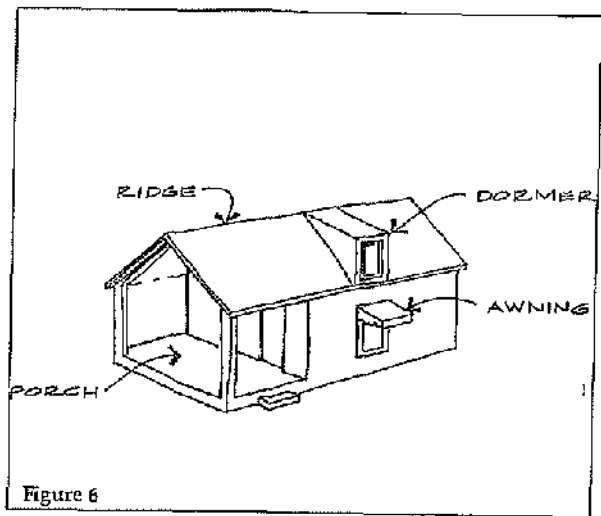
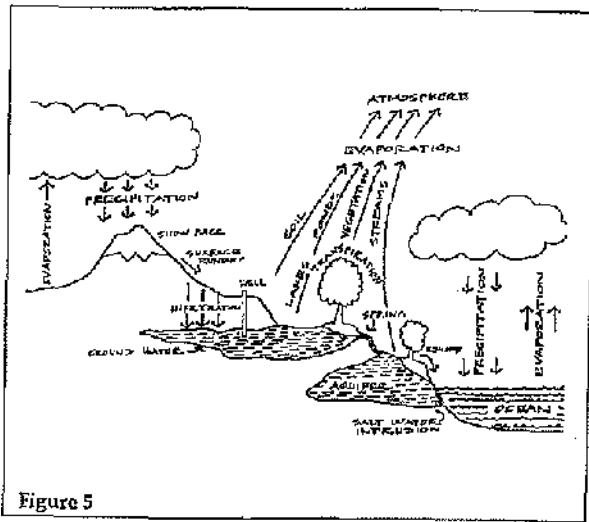


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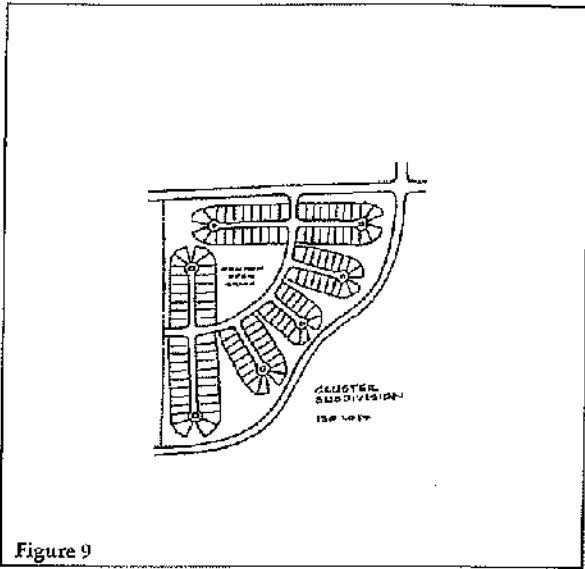


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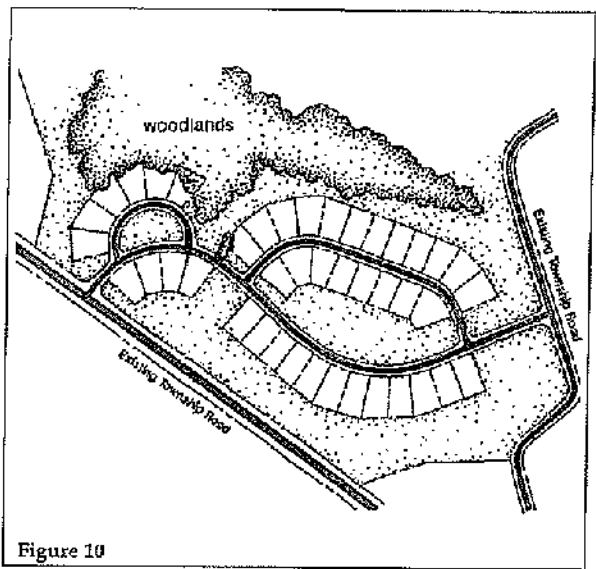


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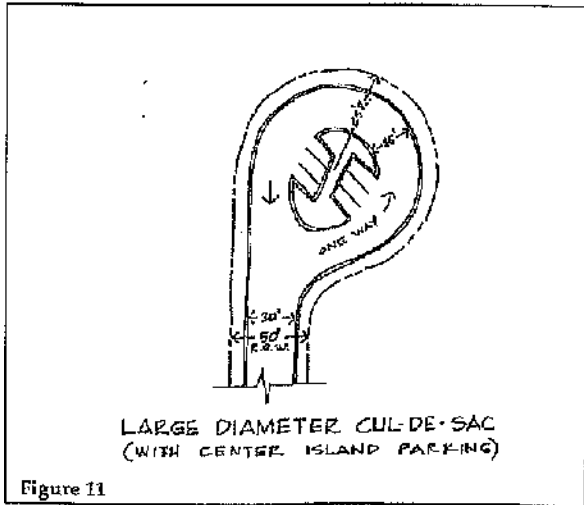


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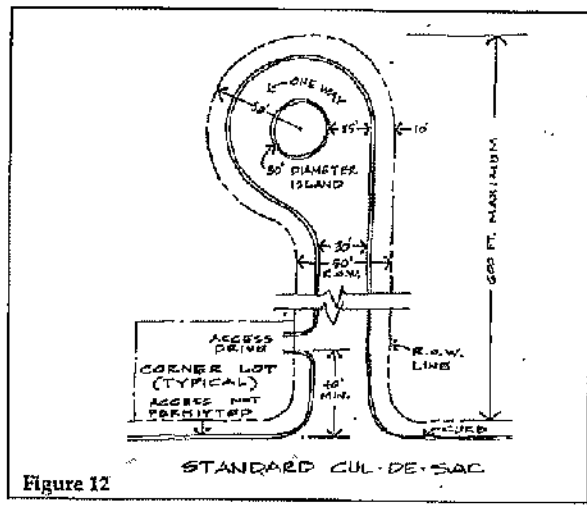
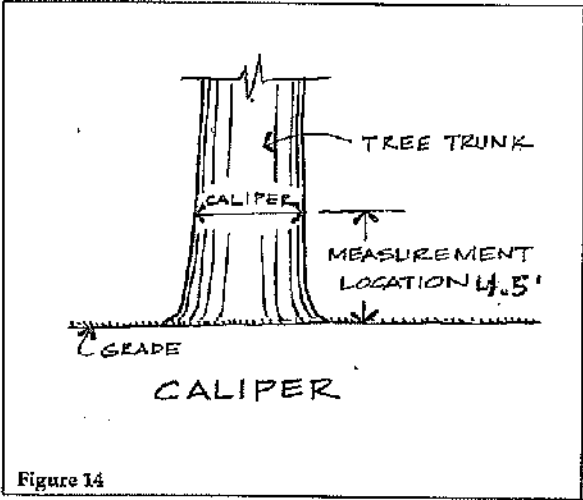
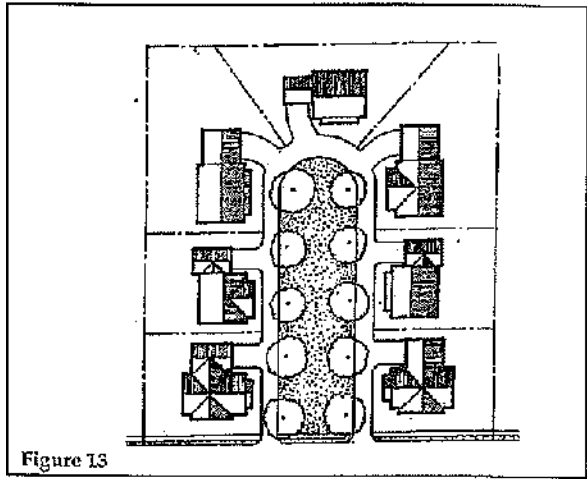
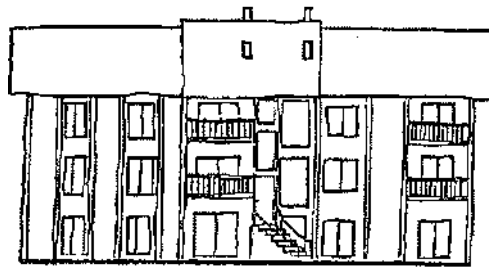


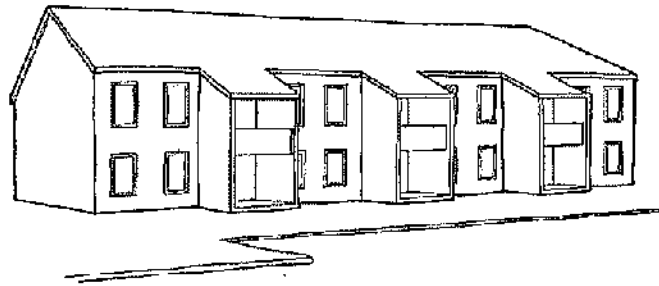
Figure 12





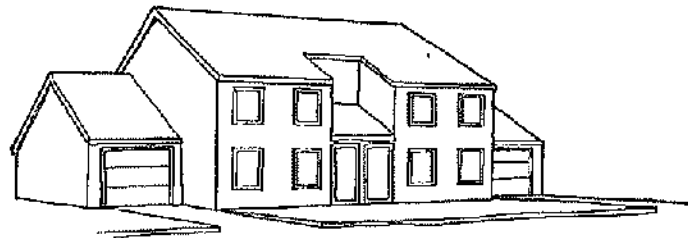
MULTIFAMILY DWELLING

Figure 15



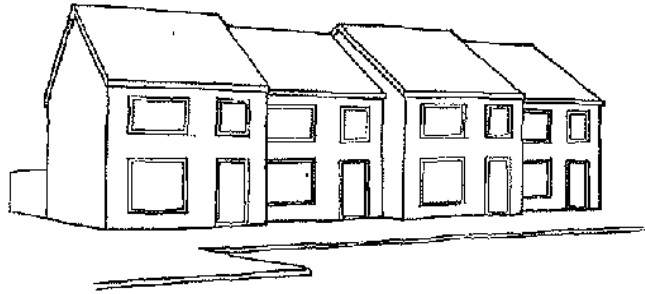
GARDEN APARTMENT

Figure 16



DWELLING, SEMIDETACHED

Figure 17



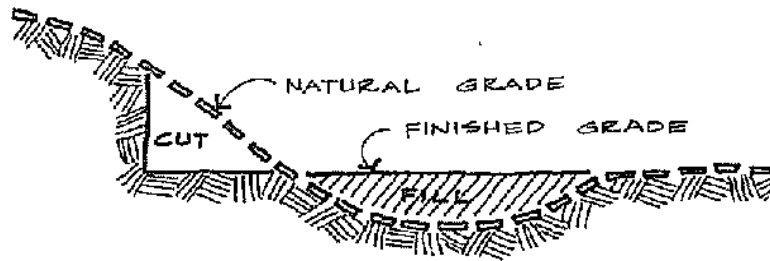
DWELLING, TOWNHOUSE

Figure 18



DWELLING, SINGLE-FAMILY DETACHED

Figure 19



CUT AND FILL CROSS SECTION

Figure 20

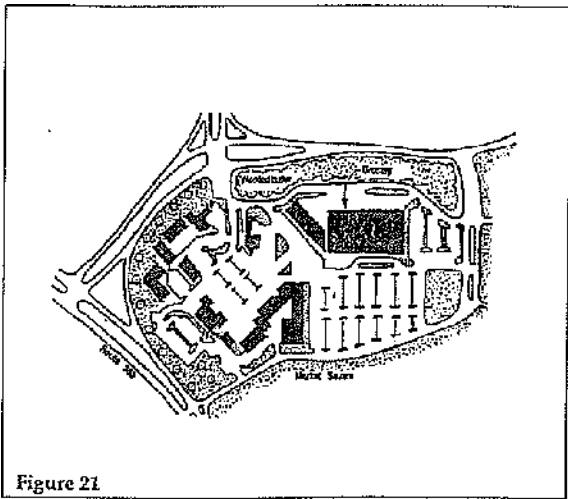


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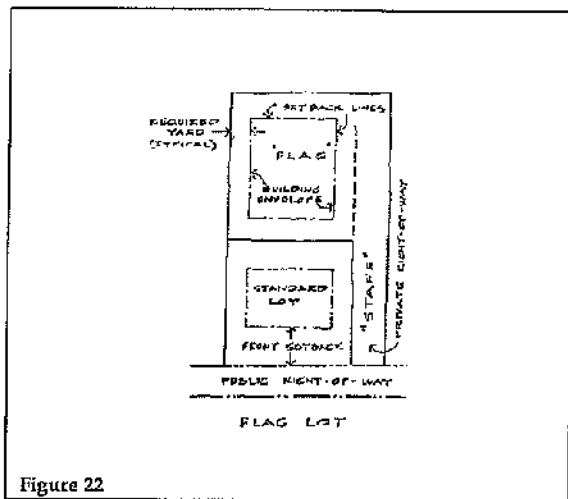


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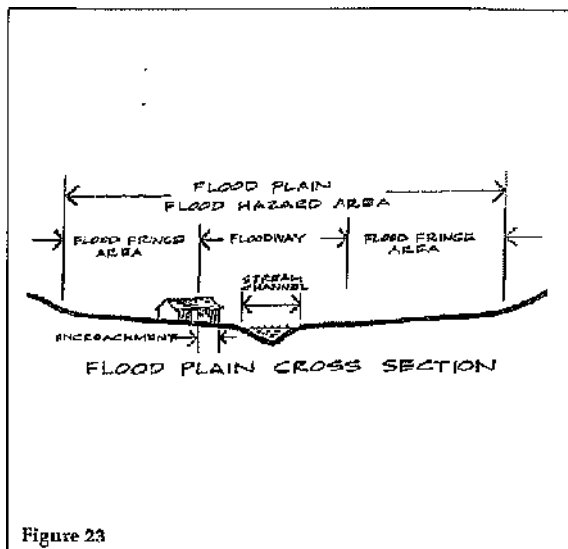


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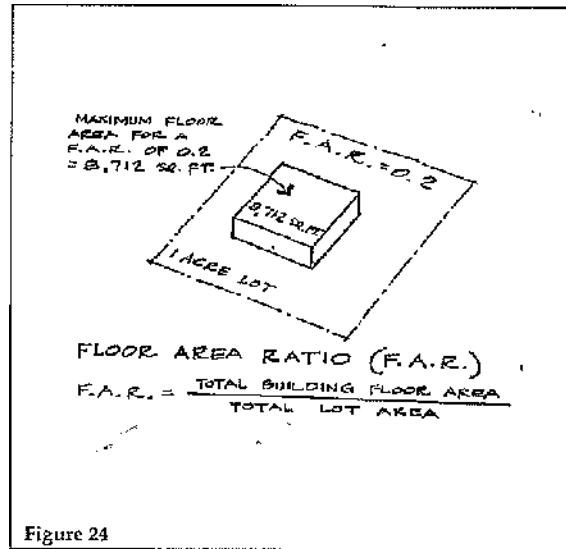


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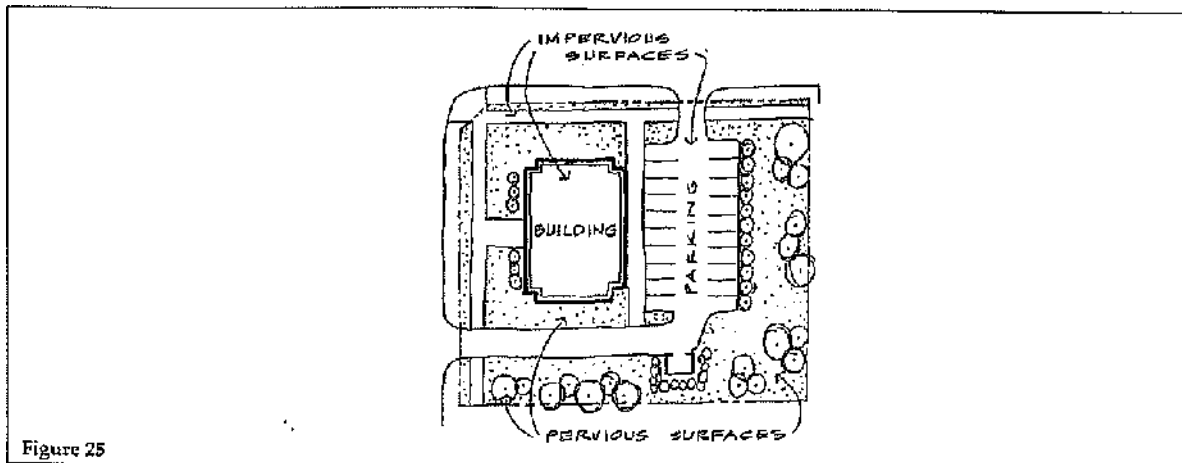


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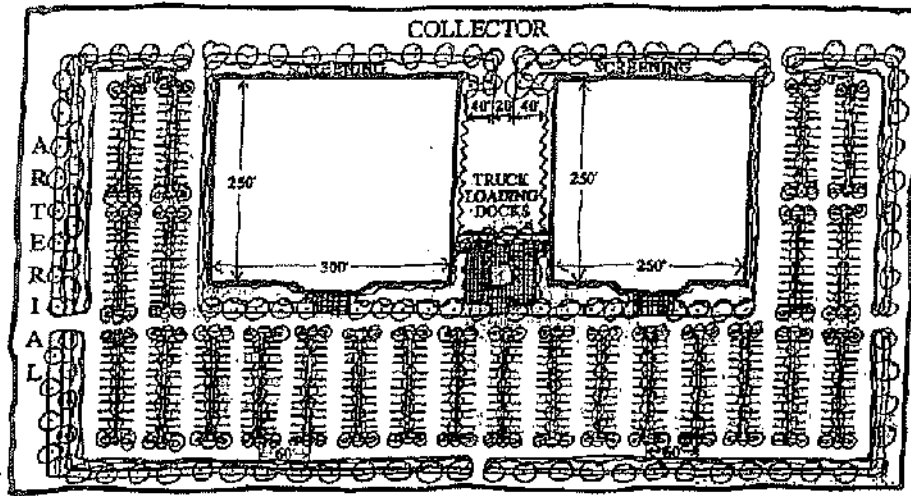


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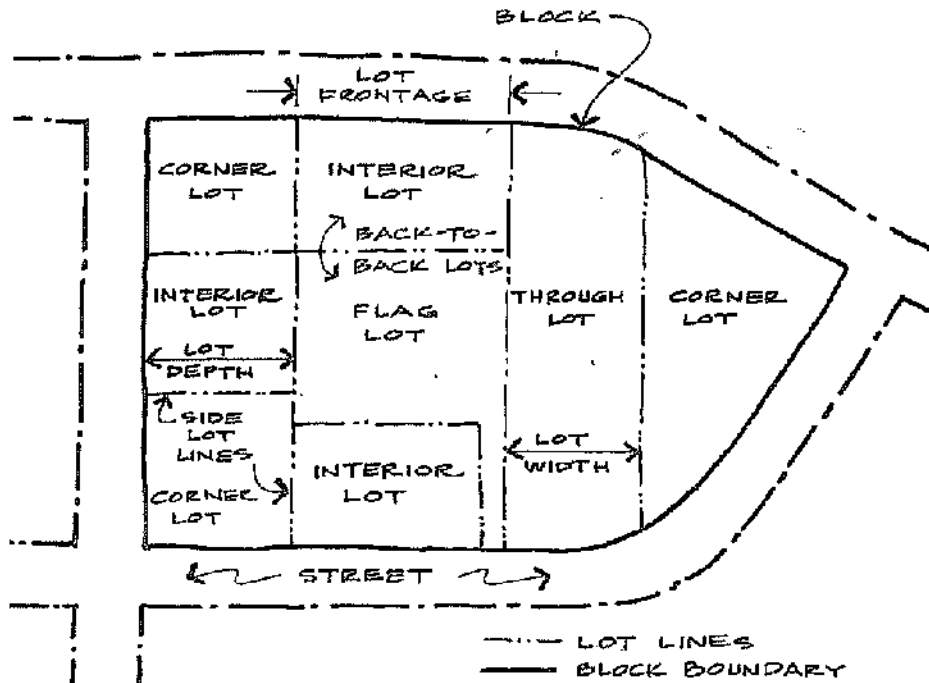


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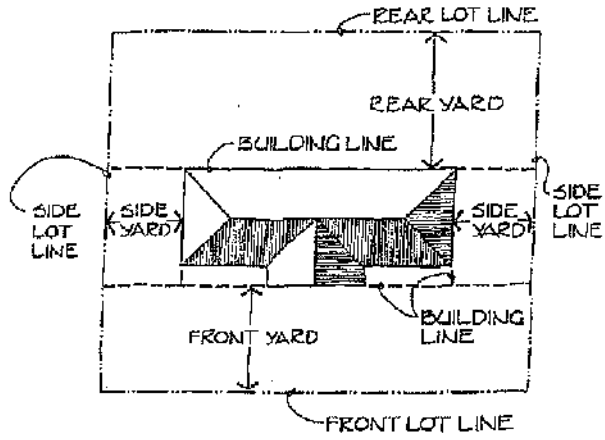


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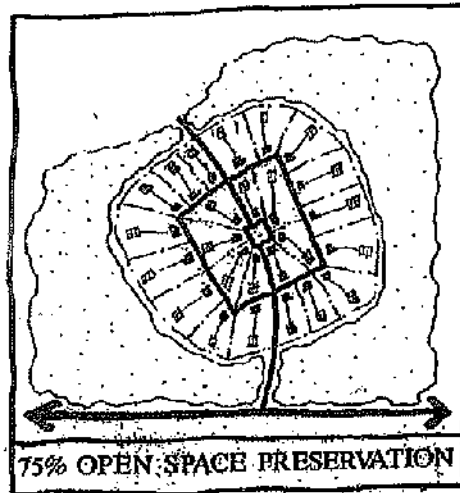
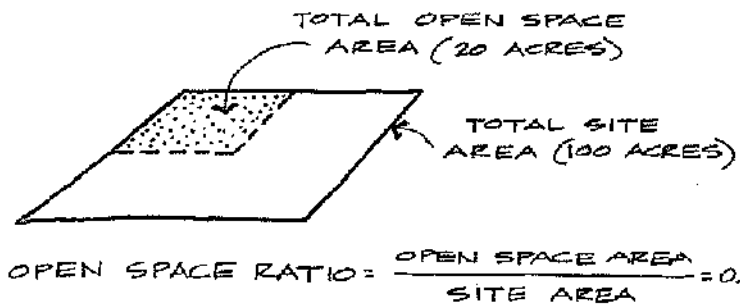


Figure 29



OPEN SPACE RATIO CALCULATION

Figure 30

Figures 31 and 32 missing

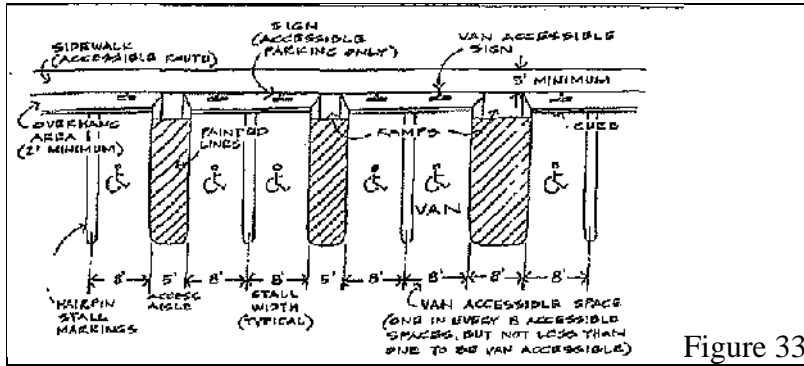


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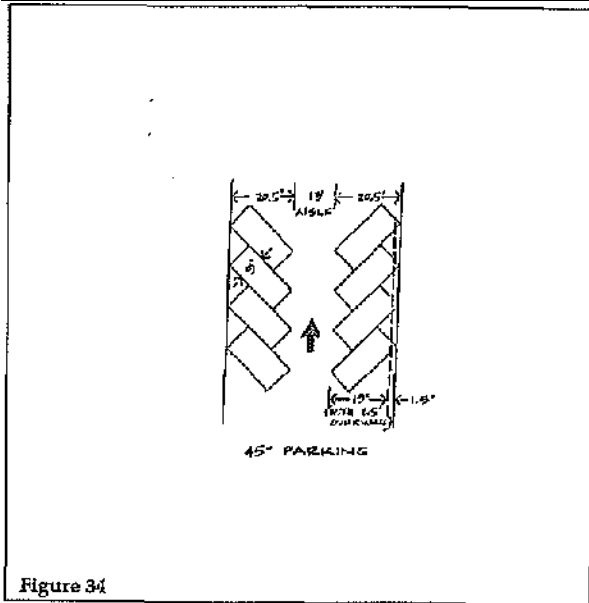


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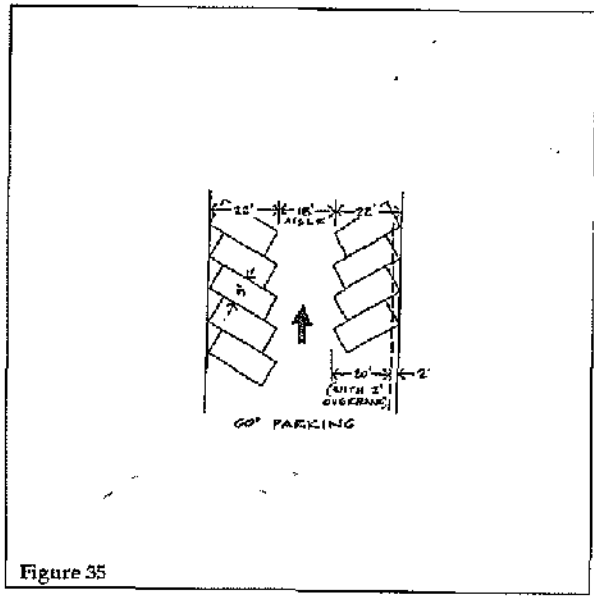


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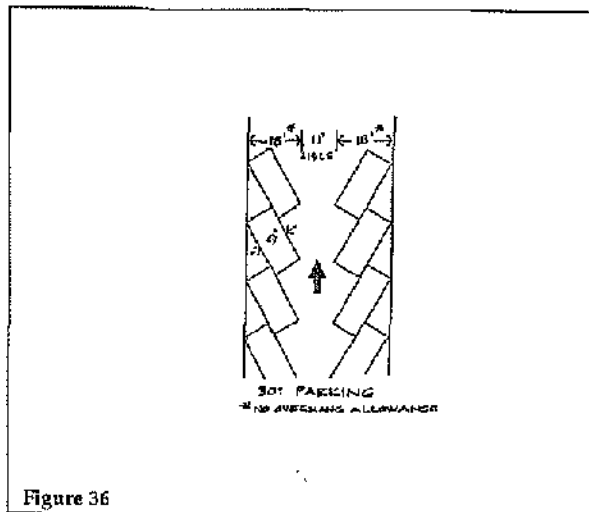


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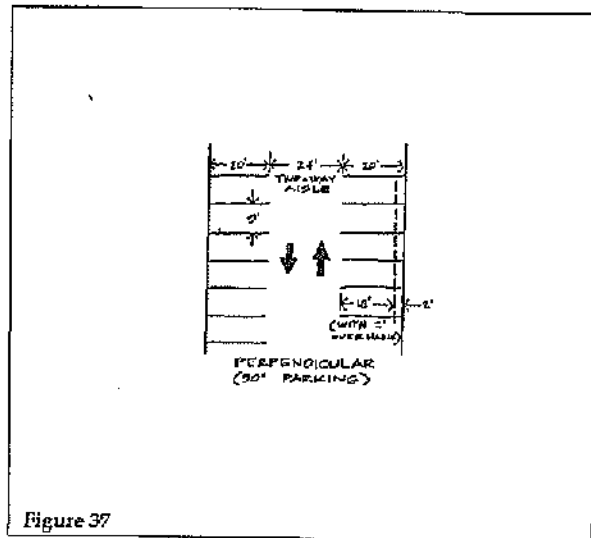


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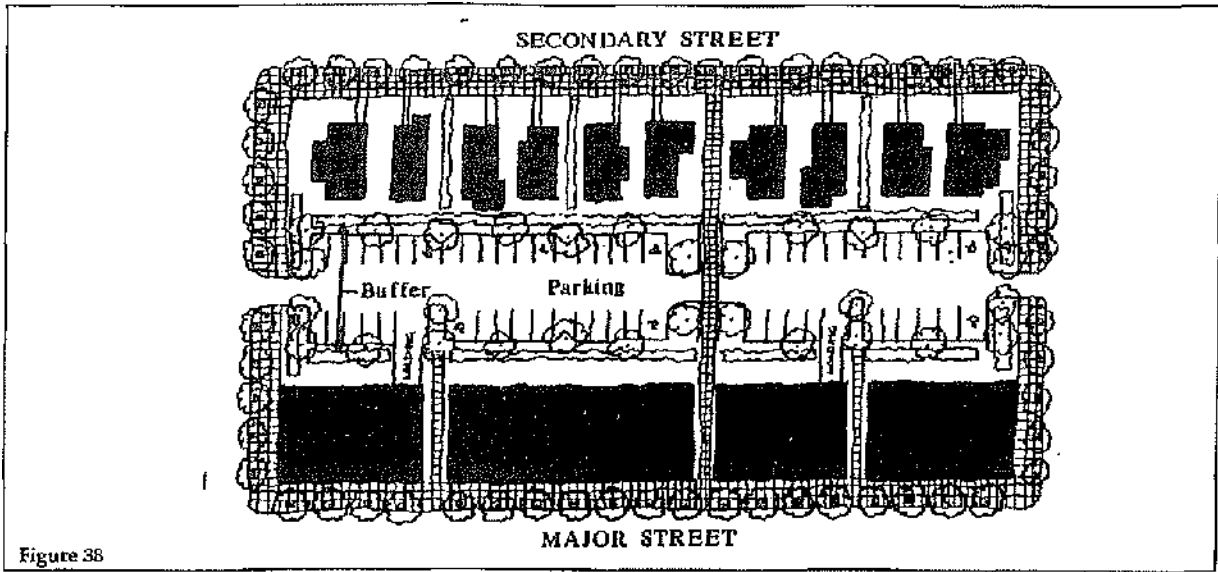


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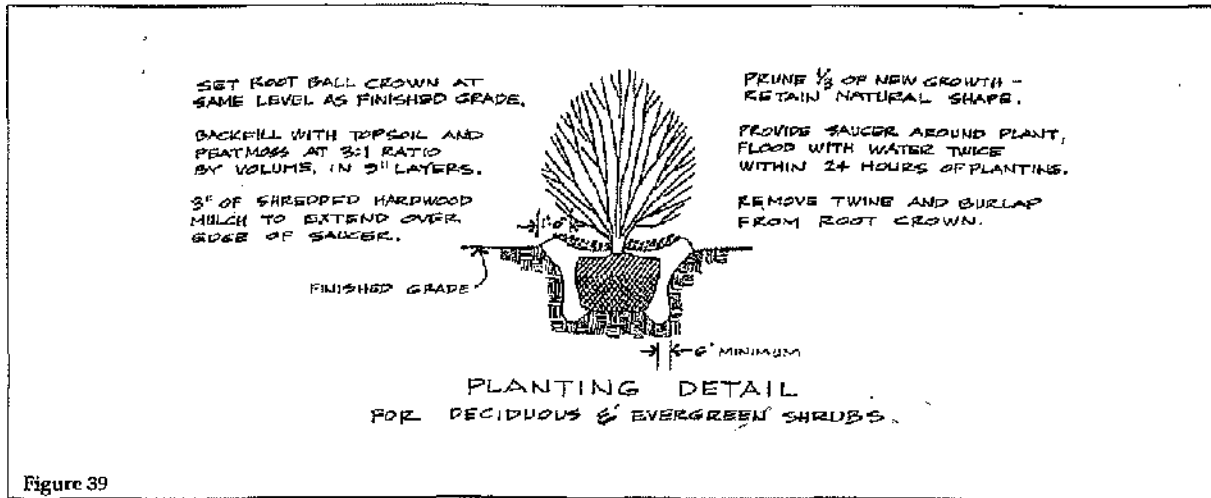


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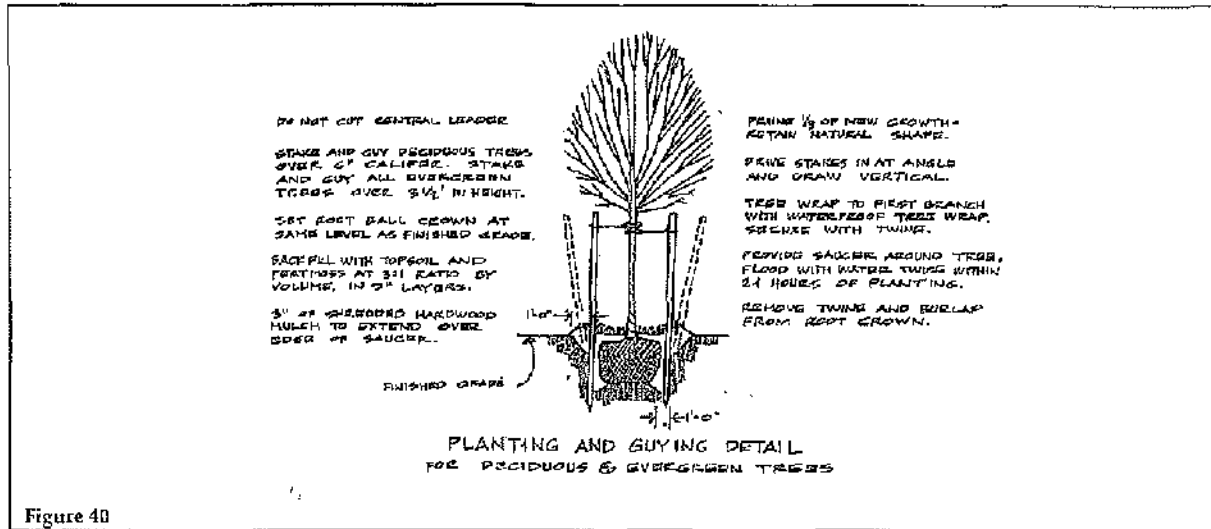


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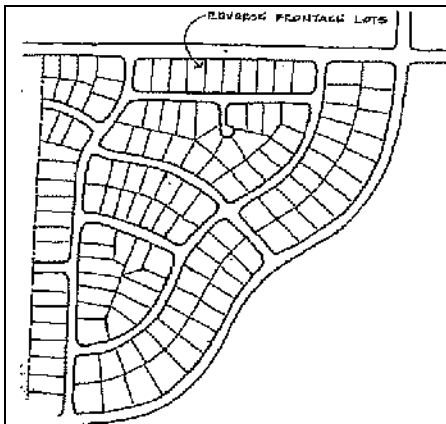
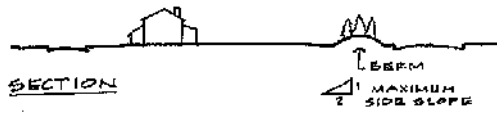
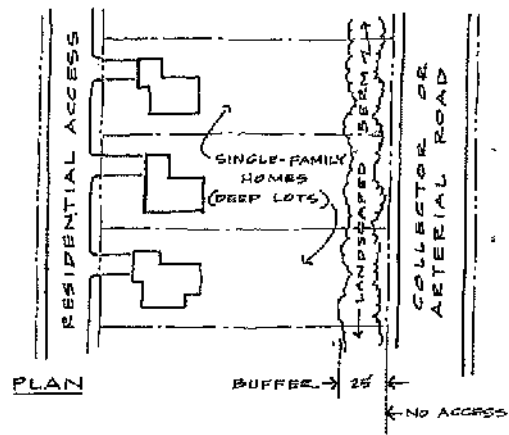


Figure 41



REVERSE FRONTAGE LOTS

Figure 42

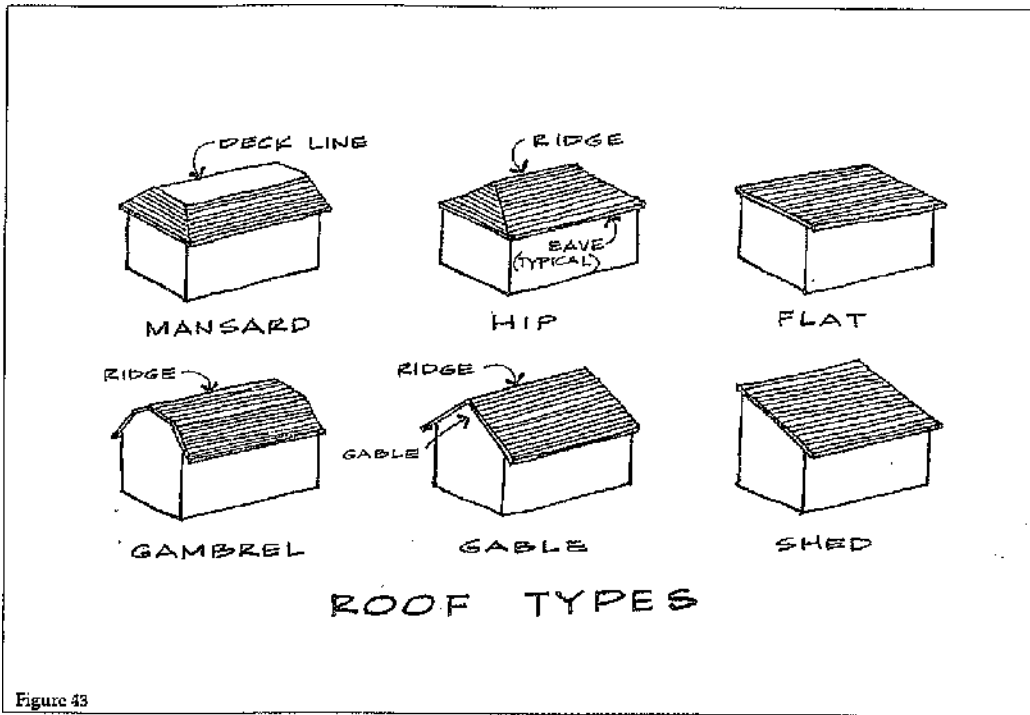


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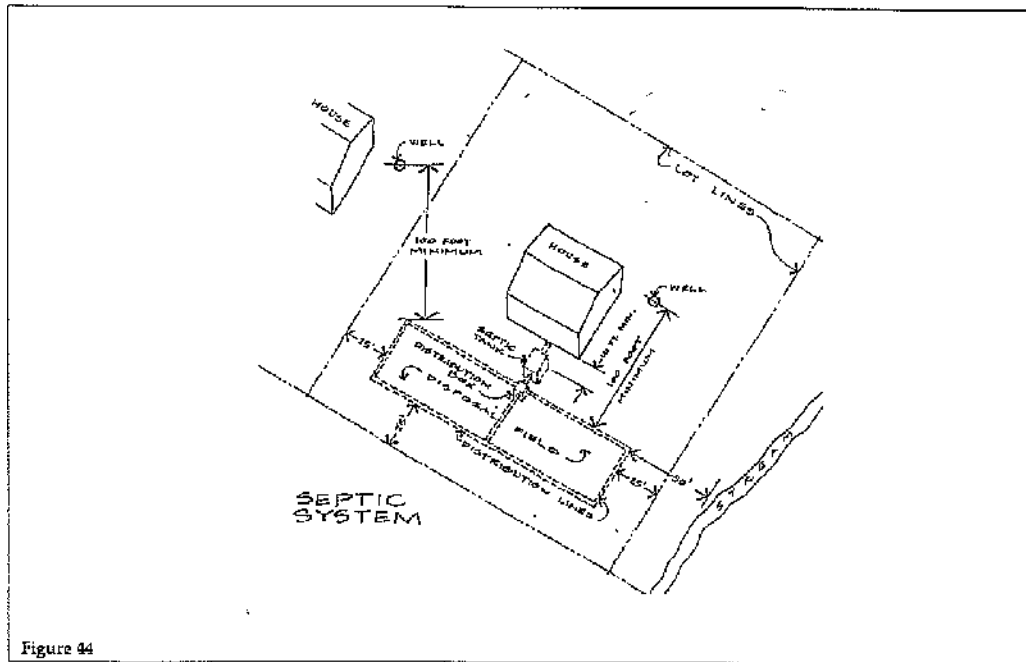


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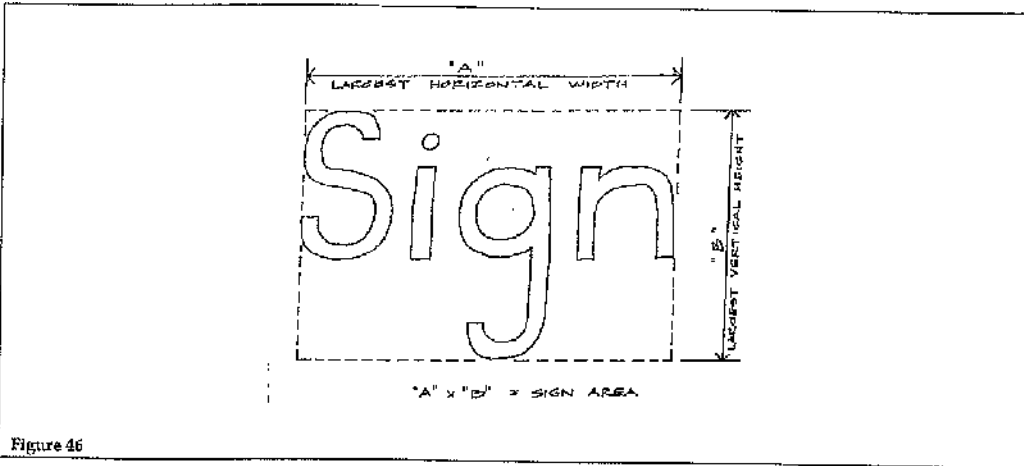


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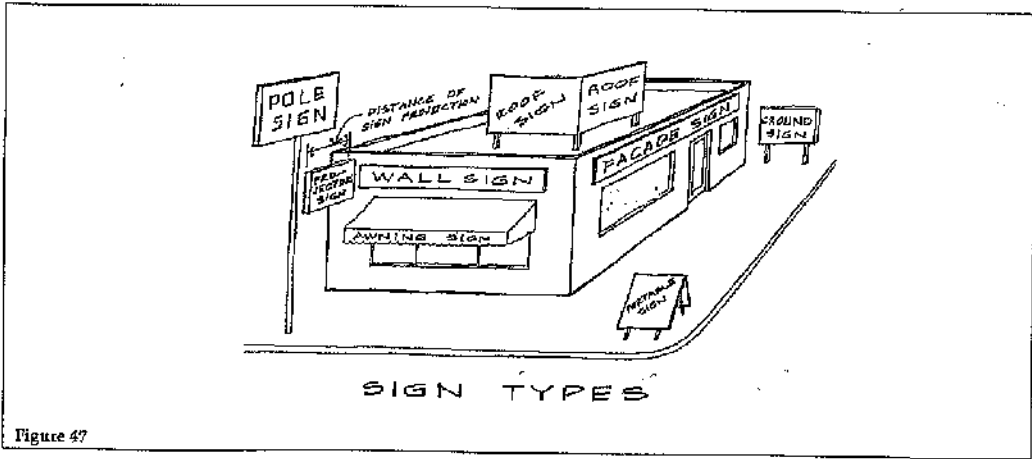


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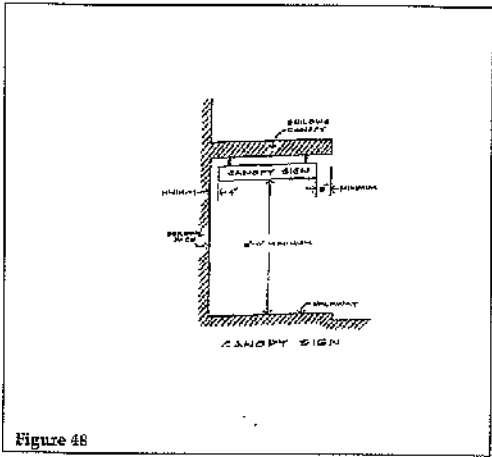


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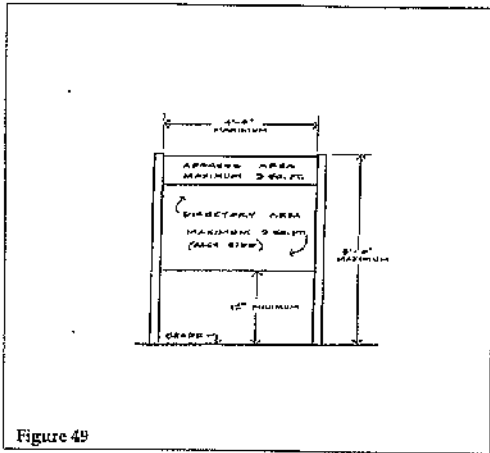


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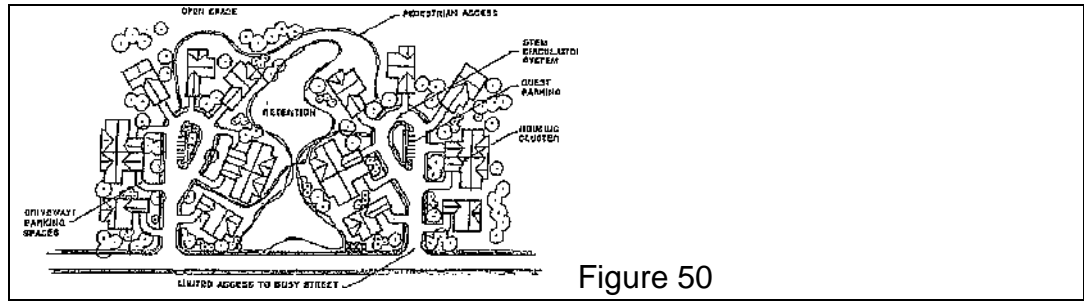


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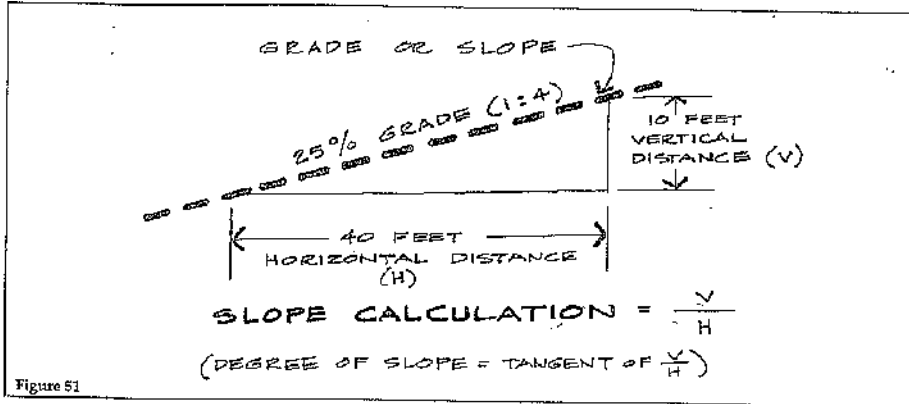


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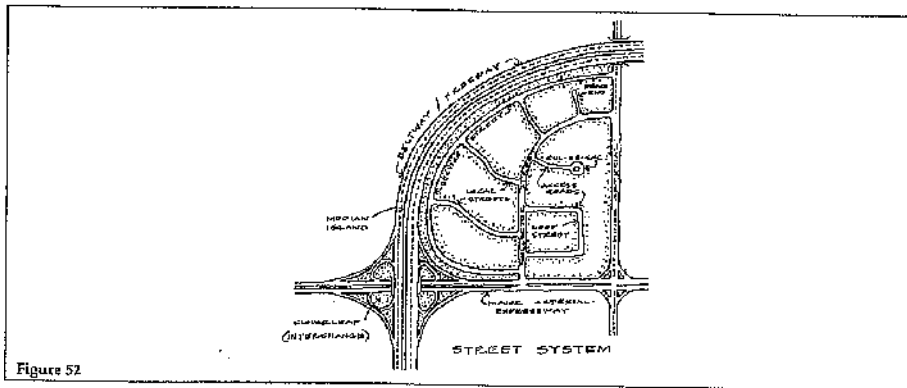


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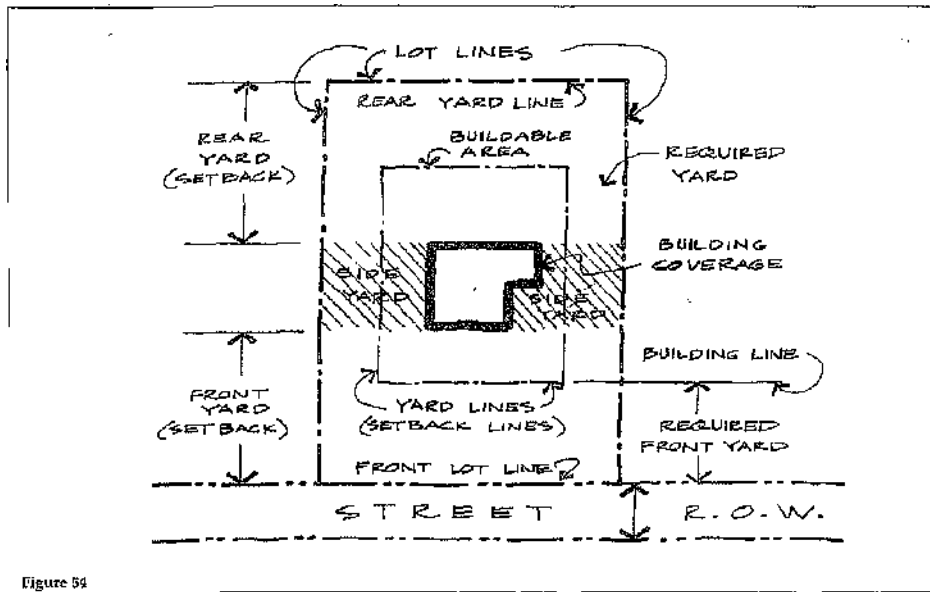


Figure 54

Figure 55 Missing

SINGLE TWO-WAY ENTRANCE
WITH RIGHT TURN LANE AND TAPER

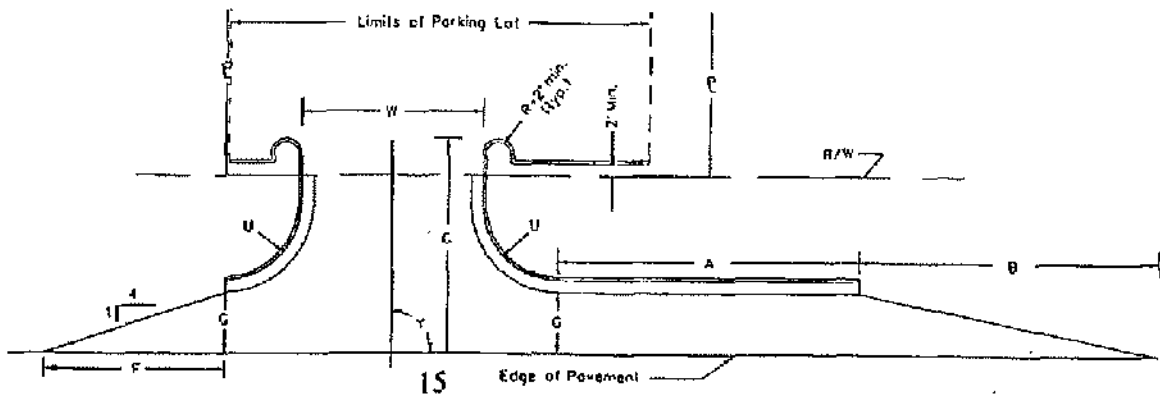


Figure 56

SINGLE TWO-WAY ENTRANCE

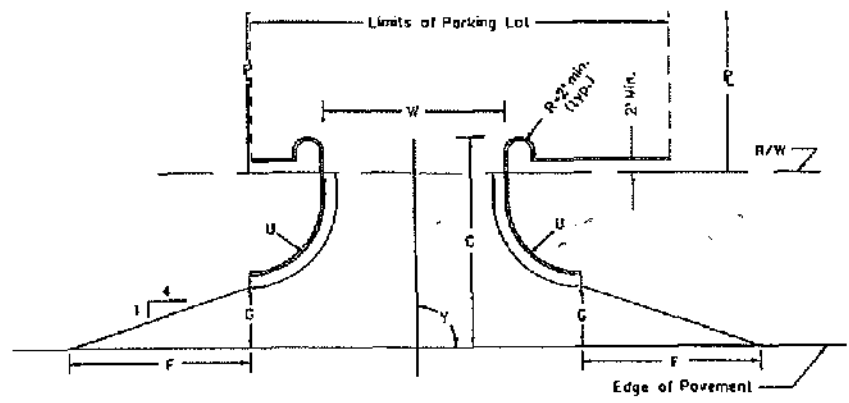


Figure 57

ARTICLE IV Rural Preservation District (RP)

§26.100 - Statement of Intent

The general intent of this district is to recognize the predominant rural character of lands brought into the Town of Port Royal through the Boundary Line Adjustment (“BLA”), 2014. Open space type uses, such as, but not limited to, crop farms, non-intensive agricultural operations and forests dominate the BLA. This RP District is established for the purposes of continuation of existing uses, recognizing that future development, in accordance with the health, safety and general welfare of the Town of Port Royal, will necessitate other future land uses. This RP District promotes a more harmonious transition from the government of Caroline County to the Town of Port Royal for land owners and those who hunt, fish, farm, and enjoy properties in this RP District. Maintaining the rural character and facilitating existing and future crop farms and non-intensive agricultural operations, the conservation of natural resources and discouraging suburban sprawl are not mutually exclusive goals, but can be incorporated into the Town with good planning. It is further recognized that these areas of the Town of Port Royal maybe planned for future development, but do not yet have public facilities, utilities or transportation systems in place.

§26.101 - Permitted Principal Uses and Structures

1. Crop farms, silviculture and non-intensive agricultural operations.
2. Single Family Dwellings, detached.
3. Places of Worship.
4. Nurseries and Greenhouses (wholesale).
5. Game Preserves, Wildlife Sanctuaries and Conservation Areas.
6. Public Facilities (excluding landfills).
7. Public Utilities (Transmission and Distribution).
8. Manufactured Houses, subject to the following conditions:
 - a. Such units are attached to a permanent foundation;
 - b. Such units are skirted with an approved all-weather material.
9. Cemetery, family.
10. Family Divisions, subject to the following conditions:
 - a. The minimum lot size shall be two (2) acres;
 - b. The lot area and other dimensional requirements shall be: Minimum width, 200’; Setback, 75’; One side, 40’; two sides, 80’; Rear, 40’; maximum height, 35’; One dwelling unit per lot or parcel.
 - c. The parent tract shall maintain the minimum lot size required in the RP zoning district or $\frac{1}{2}$ the size of the original lot size, whichever is less;
11. Overall sketch plan showing future proposed family divisions shall be provided;
12. Common driveway entrances shall be utilized as reasonably practical.

§26.300 - Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, including:

1. Wayside stands for the display and sale of products produced on the premises (excluding processed products).
2. Garages and domestic storage buildings.
3. Home Occupations, minor.
4. Family Apartments, subject to the following conditions:
 - a. Such a unit shall not be occupied by more than three (3) persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother, or sister of the owner and occupant of the single-family residence on the same lot;
 - b. Such a unit shall contain no more than 1,000 square feet of living space;
 - c. No dwelling units' other than the principal structure (a single-family dwelling) and one such family apartment shall be located on a lot;
 - d. When such a unit is no longer needed by a member of the immediate owner's family and the three (3) year period following the date it passes final inspection by the County Building Official has expired, the unit shall be considered a nonconforming use and as such can be rented to anyone.
5. Parish House or Rectory (accessory to places of worship).
6. Cemetery (church).
7. Temporary Uses
- 8.
9. A Single-Section Manufactured House for a Medical Hardship subject to conditions:
 - a. Only one such manufactured home shall be located on the parcel;
 - b. The manufactured home shall be accessory to a single family residential dwelling;
 - c. The manufactured home shall house a member of the immediate family;
 - d. Upon elimination or correction of the hardship, the manufactured home shall be removed;
 - e. Zoning permit shall be valid for five (5) years. Prior to expiration, application may be made for a new Zoning Permit;
 - f. Failure to comply with these conditions shall void the permit.
10. Turkey Shoots or Other Temporary or Seasonal Events.
 - a. The duration of the event shall not exceed five (5) consecutive days.
 - b. The event or events shall not exceed fourteen (14) days combined in any calendar year.
 - c. Not more than four (4) events are permitted in any calendar year.

- d. The proposed event shall not result in any noise, glare, dust or other noxious elements that adversely affect the use of neighboring properties.
11. Family Day Homes: Family day homes serving Six (6) to twelve (12) children are subject to issuance of an Administrative Permit in accordance with §3.2-2292 of the Code of Virginia. No accessory use or structure shall be permitted until the principal use or structure has been established.

§26.301 - Special Exception Uses with Town Council Approval

1. Animal Hospitals and Veterinarian Clinics.
2. Kennels, Commercial.
3. Campgrounds/Camping Areas.
4. Equestrian facilities (spectator)
5. Training Centers for Handicapped Persons.
6. Adult Homes and Nursing Homes.
7. Child Care Facilities.
8. Bed and Breakfast.
9. Home Occupations, Major.

10. Convents, Monasteries and Religious Retreats.
11. Golf Clubs and Golf Courses.

12. Rural Commercial Recreational Uses subject to the following
13. conditions:
 - a. The minimum acreage for commercial recreational structures and uses shall be two (2) acres.
 - b. On-site supervision of events shall be maintained at all times.
 - c. The proposed sites shall have direct access to a road designated as a Class 1 hard surface secondary road.
 - d. The proposed site shall be of a size and shape appropriate for the proposed use and be situated so as to provide adequate buffering to protect adjacent development from potentially adverse effects.
 - e. A site plan shall be submitted in accordance with the requirements of Article VIII, Section 3.
 - f. All rural commercial recreational structures and uses shall not produce sound levels which exceed sixty (60) decibels during hours of operation as measured at the nearest property line.
 - g. The use shall also be subject to the standards and conditions as may be applicable pursuant to Supplemental Regulations of Article VIII.

Radio/TV Studio, Office and Broadcasting Facilities.

Communication Facilities

Clubs and Lodges

Special Events Facility – a facility where private weddings and parties, and other similar events which shall not be open to the public are held with invited guests not to exceed 200.

Family Divisions where the property does not meet the provisions of RP District Requirements for Approving Non-Conforming Family Subdivision

The Town Council may approve a special exception for a family subdivision which does not meet the lot size requirement as set forth in Section 2, subsection 11 of this Article provided that the Town Council determines that the family subdivision is consistent with the intent of the Port Royal Comprehensive Plan and results in the promotion and preservation of the rural character of the Town. The Council may approve the special exception provided that the proposal promotes the health, safety, and general welfare of the public and meet the following criteria:

- a. The purpose of the family division is solely to provide for the housing needs of immediate family members.
 - b. The granting of the special exception shall allow the family division to comply with the land use designation of the comprehensive plan.
 - c. A concept plan shall be submitted and approved as a condition of the special exception. The concept plan shall identify all proposed and anticipated future family divisions. Actual transfer may not occur until some future date.
4. All proposed lots shall be required to have an approved drain field location shown on the concept plan.
5. The minimum size of all lots shall not be less than one (1) acre.
6. All lots shall be accessed by a minimum of a fifty (50) ft. access easement with a minimum of travel service width of twenty (20) ft.
7. In granting the special exception, the Town Council may impose conditions regarding the location, character and other features of the proposed family division as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.
0. This amendment shall not apply to pre-existing recorded family subdivisions.

18. Antique Shop

19. Nursery and/or Greenhouse (Commercial)

20. Therapeutic Health Facility subject to the following conditions:

- (a) The minimum parcel size shall be twenty (20) acres;
- (b) A minimum of fifty (50) percent of the property shall remain in open space,
- (c) Structures shall meet the setbacks for the Rural Preservation District; set forth in Article XII, Section 1 of the ordinance;
- (d) The exterior of any new structures shall resemble a single family dwelling or agricultural building. Elevations shall be submitted with the site plan for review and approval;
- (e) Appropriately trained and licensed medical personnel shall be on-site and/or on-call at all times;

- (f) Subdivision of the property which is subject to the special use permit is prohibited;
- (g) A site plan shall be submitted and approved in accordance with Article XV, Section 14 of the Zoning Ordinance;
- (h) A landscaping plan shall be submitted and approved with the site plan;
- (i) Other conditions as provided for in Article XVII, Section 11 of the Zoning Ordinance may be required.

21. Artist Studio in which the artist/operator does not reside on the property.

Bulk density requirements and setbacks

One dwelling unit per ten (10) acres; one dwelling unit per lot or tax map parcel; Minimum Setbacks for structures: 30 feet setback from roads, 50 feet from side lot lines; 100 feet from two sides; 50 feet from rear property line; maximum structure height is 35 feet.

ARTICLE V Business District, B1

§26.500 - Statement of Intent

The general intent of this district is to provide for and promote the development of a variety of business, commercial, and service activities. Such districts are intended for location at strategic sites in relation to population centers and transportation networks. This District applies to those lands brought into the jurisdiction of the Town of Port Royal through Boundary Line Adjustment, 2014.

§26.501 - Uses Permitted by Right

1. Banks and savings and loan institutions.
2. Restaurants.
3. Drug stores.
4. Barber and beauty shops.
5. Funeral homes.
6. Clothing stores and tailor shops.
7. Dry cleaners and laundries.
8. Bakeries.
9. Libraries.
10. Medical offices and clinics.
11. Florist shops.
12. Retail stores.
13. Retail food stores.
14. Churches.
15. Antique shops and gift shops.
16. Machinery sales and services.
17. Plumbing and electrical supply (with storage under cover).
18. Lumber and building supply (with storage under cover).
19. Bicycle, and home appliance sales and services.
20. Hotels and motels.
21. Office buildings.
22. Nurseries and greenhouses.
23. Printing, publishing and engraving services.
24. Shoe repair.
25. Public utilities, distribution.

§26.502 - Uses Permitted by Special Exception

1. Hospitals.
2. Service stations (with major repair under cover).
3. New Car Sales
4. Clubs and lodges.
5. Theaters.
6. Cabinet, furniture and upholstery shops.
7. Training center for handicapped persons.

8. Public billiard parlors and pool rooms, bowling alleys, dance halls, swimming pools, and other forms of public amusement.
9. Processing, light warehousing, wholesaling, assembling and distribution establishments.
10. Residences as accessory uses.
11. Public utilities.
12. Child care facility.
13. Bed and Breakfast.
14. Contractor's Equipment, Storage and Sales Facilities.
15. Convents, Monasteries and Religious Retreats subject to the following conditions:
 - a. The property must have been zoned B-1, Business, prior to March 27, 1980.
 - b. The minimum lot size shall be five acres of land.
 - c. Length of stay for religious retreats shall not exceed 30 days.
 - d. Site plan approval shall be required.
16. Communication Facilities.
17. Used Car Sales (except when accessory to new car sales). (Adopted 2/25/03)
18. Tow Service
19. Used Car Sales (except when accessory to new car sales).
20. Tow Service Operation
21. Crematory subject to the standards in Article 3, Section 8, Paragraph M – Standards for Crematory.
22. Sexually Oriented Businesses subject to the following criteria:
 - a. Permit required from Caroline County Sheriff: every person either operating or desiring to operate a Sexually Oriented Business must comply with the permit requirements as set forth as follows: Every person either operating or desiring to operate a sexually oriented business, in addition to obtaining a business license from the Town of Port Royal, proof from the Port Royal Town Manager, that the location requirements set forth in this Zoning Ordinance are satisfied, shall apply to the Caroline County Sheriff, or his designee, for a permit to operate the sexually oriented business. Each such application shall be accompanied by a fee in the amount of \$200.
 - b. Information required on and with the permit application shall include, but shall not be limited to, the following:
 - 1) The applicant's full name, age, sex, race, weight, height, hair and eye color, address, telephone number, date and place of birth and social security number.
 - 2) Names and addresses of references.
 - 3) Whether the applicant has been convicted of any felony or misdemeanor and, if so, the nature of the offense, when and where convicted and the penalty or punishment assessed.
 - 4) Whether the applicant has been denied a permit or has had a permit revoked under any statute or ordinance requiring a permit to operate a sexually oriented business and, if so, when and where the denial or revocation occurred.
 - 5) Photograph and fingerprints of the applicant.
 - 6) Name and address of the business for which a permit is sought.

- 7) A criminal records check of the applicant shall be provided by the applicant with the application, along with the applicant's written authorization to investigate whether the information provided by the applicant is true.
 - 8) A criminal records check for each initial employee or proposed employee must be provided by the applicant with the application, along with the employee or proposed employee's written authorization to investigate whether the information provided by the applicant is true. For each new employee or proposed employee the applicant/permittee must submit a criminal records check for that individual along with that person's written authorization to conduct further investigation.
 - 9) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
 - 10) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimension of the interior of the premises to an accuracy of plus or minus six inches.
 - 11) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,500 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 2,500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 - 12) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than 30 square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth herein.
 - 13) Written declaration, dated and signed by the applicant, certifying that the information contained in the application is true and correct.
- c. For a corporation, partnership or other legal entity, "applicant" includes each officer, director, shareholder, partner or principal of the entity and the manager of the store.
 - d. The sheriff or his designee shall act on the application within 60 days of the filing of an application containing all the information required by this section.
 - e. The applicant shall be issued a permit unless the Town's investigation or the information furnished by the applicant shows any of the following:
 - 1) The applicant has been convicted of a felony within the past five years;
 - 2) The applicant has been convicted of a crime of moral turpitude or a crime involving the obscenity laws within the past three years;
 - 3) The applicant has been denied a permit or has had a permit revoked within the past 12 months under any statute or ordinance requiring a permit to operate an adult bookstore or adult video store; or
 - 4) Failure of the applicant's business to comply with the Town's business license, zoning, building, plumbing, utility, health, electric or fire prevention codes, or with any other applicable Town or state laws or regulations, including this article.
 - f. The permit shall be valid for 12 months from the date thereof and may be renewed in the same manner as it was initially obtained. The application fee for a renewal permit shall be \$100. No permit shall be transferable.

- g. Any changes in the ownership or principals of the business entity to which the permit is issued will automatically make the permit void. Such changes shall be reported to the sheriff or his designee, and a new application may be submitted for review

Location of Sexually Oriented Businesses.

1. Set-back Requirements.

No Sexually Oriented Business may be operated within 1,000 feet of the property line of the following:

- (a) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (c) A boundary of a residential district as defined in the Town of Port Royal Zoning Ordinance;
- (d) Any public lands, parks or recreational areas which have been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or military installations, government office space, game preserves, public landings or other similar public land within the Town.
- (e) An entertainment business which is oriented primarily towards children or family entertainment; or
- (f) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State;
- (g) Any motel, hotel, or travel lodge; or
- (h) Any truck stop or truck rest area.
- (i) Any other sexually oriented businesses.

Hours of Operation

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. on Sundays.

Violations and Penalties.

A person who operates or causes to be operated a Sexually Oriented Business in violation of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$2,500.00 or imprisonment for a term not to exceed 12 months or both. Each day a sexually oriented business so operates shall constitute a separate offense or violation.

Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

§26.503 - Bulk Density and Setbacks for B1 Zoning District

Minimum lot size: none; Front setback: 40 feet; Setback one side: 3 feet, two sides: 30 feet; Rear setback: 35 feet; Maximum height: 40 feet; open space required: 20%.

ARTICLE VI Highway Corridor Overlay District (HCOD)

§26.600 - Purpose and Intent

(a) Purpose of the HCOD. In furtherance of the purposes set forth in Code of Virginia, §§ 3.22280, 3.2-2283, 3.2-2284 and 3.2-2285, and in general to protect the health, safety and general welfare of the public by the prevention or reduction of traffic congestion, and distracting visual clutter which may result in danger on the public and private streets, a limitation is hereby placed on certain automobile-oriented, fast service, quick turnover uses and related signage, which generate traffic in such amount and in such manner as to present the possibility of increased danger to the motoring public and other impediments to safe travel. This district is created in recognition of the need to provide suitable and sufficient road systems in the Town and the need to protect existing and future highways from unsafe use.

(b) Establishment of districts. The Highway Corridor Overlay District (HCOD) is designated by the Port Royal Town Council and will overlay all other zoning districts where it is applied so that any parcel of land lying in a HCOD shall also lie within one or more other land use districts provided for by this zoning ordinance. The regulations and requirements of both the underlying district(s) and the HCOD shall apply; provided, however, that when the regulations applicable to the HCOD conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

The purpose of this district is to protect and promote the public health, safety and general welfare by preventing or reducing traffic congestion and/or changes in the public streets; maintaining the function of arterial highways, primary highways, and secondary collector roads to encourage the most desirable development and use of land in accordance with the Comprehensive Plan, to improve pedestrian and vehicular circulation, to encourage architectural designs which result in functional and attractive relationships between buildings, the street system and the surrounding areas.

§26.601 - District Boundaries

The Highway Corridor District boundaries shall be as follows:

1. U.S. Route 301 from the King George County Line to Port Royal, thence, southerly to the newly established corporate limits of the Town of Port Royal with Caroline County, through the Boundary Line Adjustment (BLA), 2014, lands.
2. U.S. Route 17 from the newly established corporate limits of the Town of Port Royal with Caroline County to the north and south of Route 17, through the Boundary Line Adjustment (BLA), 2014, lands.

In lieu of the metes and bounds description, the HCOD District boundaries shall be described as parcels or developments that front on the aforementioned Routes. Length of the district shall be established by fixing points of beginning and end in the centerline of a street. Width will be established by designation of the distance on one or both sides from the centerline to which the overlay district shall extend; or, by a description of coterminous property boundaries of lots along such street, or highway; or, by using visible geographic features.

§26.602 - Uses permitted by right

All uses permitted by right in the underlying land use district(s), shall be permitted by right in the HCOD, unless otherwise specifically made a conditional use by this section.

§26.603 - Conditional uses

In addition to the listed uses requiring a conditional use permit in the underlying district, the following uses shall require a conditional use permit when proposed to be established in a HCOD:

- (1) Car washes, self-service and automated.
- (2) Funeral chapel, funeral home, or mortuary.
- (3) Convenience stores.
- (4) Theaters, arenas, or auditoriums.
- (5) Recreational enterprise.
- (6) Hotels or motels.
- (7) Hospitals.
- (8) Motor vehicle fuel sales.
- (9) Automobile repair.
- (10) Any uses which include drive-through facilities.

§26.604 - Development standards

All nonresidential uses shall be subject to the use limitations and development standards set forth in the underlying land use district(s) and, in addition, shall be subject to the following HCOD limitations:

- (1) Access and internal circulation shall be designed so as not to impede traffic on a public street. To such end, access via the following means will be approved:
 - a. By provisions of shared entrances, inter-parcel connection and travel ways, or on-site service drives connecting adjacent properties.

b. By access from a secondary public street as opposed to the corridor highway.

c. By the internal streets of a commercial, office, or industrial complex.

Developers of all parcels or lots within the HCOD shall submit an access and internal circulation plan to the Town for approval which addresses access for the project and the surrounding area.

The access plan shall demonstrate the ability to provide adequate access to surrounding properties via cross-easement agreement(s), shared entrances, interparcel connections and travel ways, on-site service drives connecting adjacent properties, and/or access by secondary public streets.

(2) Pedestrian circulation shall be provided for and coordinated with that generated from or using adjacent properties.

a. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the Town Manager or designee of Town Council, be satisfied by the execution and recordation of a sidewalk security agreement between the owner of the property and the Port Royal Town Manager. The agreement shall provide for payment of one hundred twenty-five (125) percent of the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) at the time of permits or by monthly installments during a term not to exceed thirty-six (36) months and shall contain appropriate provisions for acceleration upon the sale or transfer of the property or upon a breach of the terms of the agreement. Payments made pursuant to this section shall also include an administrative fee of one hundred dollars (\$100.00) which shall be payable at the time of the execution of the sidewalk security agreement.

b. The requirement for the provision of pedestrian circulation for the development of any parcels abutted on both sides along its road frontage to undeveloped parcels may, at the option of the Town Manager (agent) or his designee, be satisfied by a payment in lieu of constructing the required pedestrian circulation. The payment shall be in the amount of an engineer's certified cost estimate of the construction of the required sidewalk(s) that is deemed to be acceptable by the agent. Such payment shall be made at the time of permits. The payment shall be deposited in an account designated for pedestrian circulation improvements along the corridor highway that serves the property.

(3) Outdoor storage of goods shall be completely screened from view of the corridor highway. Outdoor storage shall include the parking of company owned and operated vehicles, with the exception of passenger vehicles. Outdoor display areas shall not encroach into any required front yard, with the exception that outdoor display areas may extend fifteen (15) feet from the building front; however, in no case shall outdoor display areas be permitted less than fifteen (15) feet from the street right-of-way.

(4) Parking areas and driveways shall be paved with concrete, bituminous concrete, or other similar material except for low-impact development sites in accordance with the provisions of this Zoning Ordinance where pervious paving blocks and other similar materials may be allowed as approved by the agent. Surface treated parking areas and drives shall be prohibited. Concrete curb and gutter shall be installed around the perimeter of all driveways and parking areas, except that concrete curb without a gutter may be permitted where drainage is designed to flow away from the curb, and asphalt curb may be permitted where the property adjacent to a travel lane is undeveloped. Drainage shall be designed so as to not interfere with pedestrian traffic.

(5) Where parking is designed to be located in the front yard setback of the corridor highway, a berm shall be utilized within a designated street buffer. Where no berm is proposed within a designated street buffer, whenever possible, parking areas shall be located to the rear or side of the structure(s) or building(s) they are intended to serve.

(6) Utility lines such as electric, telephone, cable television, or similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened. All utility pad fixtures and meters shall be shown on the site plan. The necessity for utility connections, meter boxes, etc., should be recognized and integrated with the architectural elements of the site plan.

(7) Loading areas, service entrances, and service bays shall be oriented and/or screened so as to not be visible from the corridor highway.

(8) Dumpster and other waste disposal or storage areas shall be completely screened from the public view by means of a board-on-board fence and/or landscaping, or similar opaque material approved by the zoning administrator.

(9) Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) will consist of similar architectural treatment in terms of materials, quality, appearance, and detail. No facade portion of a building constructed of unadorned cinderblock, corrugated metal or sheet metal shall be visible from the corridor highway. Mechanical equipment shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

(0) Area and bulk regulations in the HCOD shall be the same as for the underlying land use district(s), except that: The height of buildings or structures within seventy-five (75) feet of the corridor highway shall not exceed two (2) stories or thirty (30) feet, whichever is less; and where parking areas are provided in a manner such that the structure or building is located between the parking area and the corridor highway, the applicable setback requirement may, at the option of the applicant, be reduced to fifty (50) percent of that otherwise required for the underlying district.

(1) A landscaping and planting plan shall be submitted in conjunction with site plan submittal. Such landscaping and planting plan shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and areas. Landscaping and planting plans shall be prepared by persons practicing in their area of competence.

All plant materials shall be living and in a healthy condition. Plant materials used in conformance with the provisions of these specifications shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

Preservation of existing trees is encouraged to provide continuity, improved buffering ability; pleasing scale and image along the corridor. Any healthy, existing tree on-site may be included for credit towards the requirements of this section.

The owner, or his designee, shall be responsible for the maintenance, repair, and replacement of all landscaping materials as may be required or approved within the scope of these provisions.

(12) Redevelopment or expansion of structures or uses that were in existence prior to the adoption of the HC district and where the square footage of any addition to a structure shall not be more than the square footage of the primary structure shall be exempt from the provisions of subsections in this Ordinance; provided that such redevelopment shall not result in an increase of outside storage area or display on the undeveloped site.

§26.605 - Administration

The administration of this section shall be through Article VIII, Section 3, Site Plan Requirements.

ARTICLE VII OFF-STREET PARKING REQUIREMENTS

§26.700 - Off-Street Parking Requirements

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. All parking spaces shall be a minimum of one hundred eighty (180) square feet with a minimum width of nine (9) feet. Off-street parking requirements are as follows:

1. Single and two-family residences - two (2) spaces per unit.
2. Apartments, condominiums, or other multi-family dwellings - two (2) spaces per unit.
3. Townhouse dwellings - two (2) spaces per unit.
4. Churches - one (1) space per five (5) seats in main assembly area.
5. Hospitals, nursing homes, convalescent homes, or similar uses - one (1) space per two (2) beds capacity.
6. Hotels, motels, tourist homes, or other commercial lodging facilities - one (1) space per rental unit.
7. Community buildings, clubs, lodges, museums, libraries, or similar uses - four (4) spaces per 1,000 square feet of floor area.
8. Auditoriums, theaters, stadiums, or similar places of public assembly - one (1) space per four (4) seats.
9. Eating and drinking establishments - one (1) space per four (4) seats; drive-in restaurants - one (1) space per seventy-five (75) square feet of floor area. Notwithstanding the above, eating and drinking establishments and drive-in restaurants shall each have a minimum of ten (10) spaces.
10. Automobile service stations - one (1) space per gasoline pump.
11. Professional offices, personal service shops, insurance and real estate offices, financial institutions or medical or dental clinics - one (1) space per two hundred (200) square feet of floor area, with a minimum of five (5) spaces.
12. Animal hospitals - one (1) space per four hundred (400) square feet of floor area, with a minimum of four (4) spaces.
13. Retail stores - one (1) space per two hundred (200) square feet of floor area, with a minimum of five (5) spaces; retail food stores over four thousand (4,000) square feet - one (1) space per one hundred (100) square feet of floor area.
14. Shopping center - one (1) space per two hundred (200) square feet of rental floor area.

15. Amusement places, dance halls, skating rinks, swimming pools, or exhibition halls - one (1) space per 100 square feet of floor area.
16. Funeral homes and liquor stores - one (1) space per 100 square feet of floor area, with a minimum of thirty (30) spaces.
17. Furniture, large machinery, equipment, automobile, or boat sales stores - three (3) spaces per 1,000 square feet of floor area.
18. Manufacturing or wholesale distribution facilities - one (1) space per two employees. The number of employees shall be based on the maximum number of persons the establishment is designed to accommodate on a single work shift.
19. Elementary or middle schools - one (1) space per twenty-five (25) classroom seats.
20. High schools or colleges - one (1) space per five (5) classroom seats.
21. Day schools or nursery schools - two (2) spaces for each classroom.

The parking space requirement for a use not specifically listed above shall be the same as for a listed use of similar characteristics of parking demand generation. Where fractional spaces result, the parking spaces required shall be constructed to be the next highest whole number. Parking space as required in the foregoing shall be on the same lot with the main building. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. Appropriate curbing or barriers shall be provided as determined by the Administrator. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in a residential district.

§26.701 - Off-Street Loading Requirements

Uses which involve the receipt or distribution by vehicles of materials or merchandise shall provide and maintain adequate off-street space for standing, loading and unloading purposes. This space shall be in addition to that required for off-street parking. The location of the loading area shall not interfere with the movement of vehicles within the prescribed parking areas. Each off-street loading space shall be a minimum of twelve (12) feet in width and of sufficient depth to accommodate the largest vehicles servicing the establishment, but said length shall not be less than 25 feet. Loading space shall be required as follows:

1. Commercial uses - one (1) space per 7,500 square feet of floor area, not to exceed a total of five (5) spaces.
2. Industrial uses - one (1) space per 10,000 square feet of floor space, not to exceed a total of eight (8) spaces.

Article VIII Supplemental Regulation

§26.800 – Exceptions to Height Regulations

The height limitations specified in this Ordinance do not apply to spires, belfries, cupolas, antennas, communication towers, silos, barns, water towers, ventilators, chimneys, monuments, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

§26.801 – Accessory Building and Uses

The following regulations shall apply to accessory uses and structures:

1. An accessory use or structure shall be located on the same parcel as the principle use or structure.
2. An accessory use or structure shall not be established until the principle use or structure is established.
3. An accessory use or structure is permitted in a rear yard of a single family dwelling in an RP District subject to the following:
 - (a) Accessory structures may occupy, in total, not more than 30 percent of the required minimum rear yard for the district or an area equal to the area of the single-family dwelling, whichever is less. Structures at or below grade and above-ground swimming pools shall be excluded from the lot coverage calculations.
 - (b) Accessory structures shall not exceed the height of the principle structure.
 - (c) Accessory structures must be located at least 10 feet from the nearest principle use or structure and at least 6 feet from any other detached structure.
 - (d) Accessory structures shall be located at least 40 feet from all street lines, at least 5 feet from all other lot lines unless otherwise provided by this chapter. Accessory structures shall not be located within any Town easement, except that such structures may be located within a 100-year floodplain provided the structures comply with the provisions of Article VIII, Special Provisions to Flood Hazard Zones.
 - (e) Accessory structures located on double frontage lots must meet the front yard setback at the rear of the principal structure.
 - (f) Accessory uses other than structures may occupy all or part of the rear yard or side yard.
4. No trailer, semi-trailer, vehicle or manufactured home shall be used for storage or other accessory uses or structures except as qualified in Article IV, RP District.

§26.802 – Site Plan Requirements

For the purpose of assuring good arrangement, appearance, function, harmony with surroundings and adjacent uses, the objectives of the Comprehensive Plan, and compliance with the requirements of the Zoning Ordinance regulations, site plans for the following major uses shall be submitted and reviewed by the Town of Port Royal designee and Planning Commission, as required:

1. Special Exceptions, except Temporary Placement of a manufactured home.
2. Planned Unit Developments.
3. Manufactured Home Parks.
4. All Commercial and Industrial Developments.
5. All Multi-family Developments.
6. Churches, temples and synagogues, where the total floor area of such use on a single parcel of land are in excess of five thousand (5,000) square feet.

Every site plan shall show the following information and location of land uses where necessary and applicable.

1. The proposed title of the project and the name, address and telephone number of the engineer, architect, land surveyor or landscape architect preparing the site plan.
2. Land Use.
3. Open space areas, recreation areas and buffer areas.
4. Boundary of the entire tract by courses and distances with a linear precision closure of one (1) foot in ten thousand (10,000) feet.
5. Area and present zoning of tract. If more than one zoning district, the area of each zoning district.
6. Tax map and parcel number(s)
7. Names and address of the owner or owners of record of the tract and the applicant.

8. Owner, present use and zoning of all contiguous or abutting property except where the property is a subdivision, then the name of the subdivision.
9. Date, scale, north point, and number of sheets. Scale shall be as follows:
 - a. For projects containing more than two hundred (200) acres, not more than two hundred (200) feet to one (1) inch.
 - b. For projects containing fifty (50) to two hundred (200) acres, not more than one hundred (100) feet to one (1) inch.
 - c. For projects containing more than ten (10) acres but less than fifty (50) acres, not more than fifty (50) feet to one (1) inch.
 - d. For projects containing ten (10) acres or less, not more than thirty (30) feet to one (1) inch.
10. Vicinity map, at a scale of 1" = 2,000 feet.
11. All building restriction lines, utility easements, covenants, reservations and right-of ways.
12. Existing topography with a maximum of two (2) foot contour intervals within one hundred (100) feet of all buildings and a maximum of five (5) foot contour intervals on the remainder of the tract.
13. Limits of any established one hundred (100) year floodplains.
14. The location, dimension, size and height of the following when proposed:
 - a. Sidewalks, streets, alleys and easements.
 - b. Buildings and structures to include:
 - (1) Distance between buildings.
 - (2) Number of stories.
 - (3) Area in square feet of each floor.
 - (4) Number of dwelling units or guest rooms.
 - (5) Structures above the building height limit.
 - c. Driveways, entrances, exits, parking areas and loading spaces to include:
 - (1) Number, size and location of parking spaces.
 - (2) Number, size and location of loading spaces.
 - d. Public sanitary sewer system.
 - e. Public water mains and fire hydrants.
 - f. Gas, power and telephone lines, utility company owned or operated.
 - g. Slopes, terraces, retaining walls, fencing and screening within the required yards.
 - h. Plans for collecting and depositing stormwater in accordance with the requirements of the Town of Port Royal's Erosion and Sediment Control Plan and method of treatment of natural and artificial water courses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development.
 - i. Finish grading with a maximum of two (2) foot contour intervals within one hundred (100) feet of all building, and a maximum of five (5) foot contour intervals on the remainder of the property.
 - j. Outdoor lighting within the required yards.
3. Number of plans submitted for review and signature.
 - a. The number of sets of plans and plats submitted for preliminary review shall be sixteen (16).
 - b. The number of sets of plans submitted for final approval shall be four.
16. A copy of the accepted proffered conditions, special use permit conditions, if any, and any waiver or variances granted must be reproduced on a plan sheet.
17. Wetlands Delineation: The location of any identified wetlands, as determined based on field delineation or other methods as approved by the Director. Where any wetlands are proposed to be disturbed, a copy of all required State and Federal permits shall be submitted or a letter from the appropriate agency stating no permits are required.
18. Chesapeake Bay Preservation Areas. The location of any Chesapeake Bay Preservation Areas shall be shown on the site plan as determined by field delineation or where

approved by the Director, as determined by the Town of Port Royal Chesapeake Bay Overlay District Maps.

19. Initial Submission: The preliminary plan is tentatively scheduled for the Technical Review Committee meeting within fifteen (3) business days of acceptance or the nearest scheduled Technical Review Committee meeting date. Comments will be provided at the Technical Review Committee meeting prior to the meeting by the various review agencies.

Upon receipt of the comments from the review agencies (either in writing or verbally), and within 3 business days following the Technical Review Committee meeting; a summary letter outlining any preliminary plan requirements not met, and other comments made or issues raised is sent to the applicant's engineer. Resubmission: The applicant's engineer has sixty (60) days to submit revised plans, which incorporate ordinance requirements. The processing of revised plans will follow the same procedure as the initial submission.

20. At the time of submission of any application for site plan approval, a check for the site plan shall be rendered payable to the Town of Port Royal Treasurer. The fee for site plan approval shall be in the amount set forth in the fee schedule adopted separately by the Town Council.

§26.803 – Permitted Front Yard, Rear and Side Yard Extensions

For lots in all zoning districts in the Town of Port Royal, the following structures when attached to the principle structure may extend into the minimum yard required as specified.

Permitted Front Yard Extensions: Any of the following architectural features may extend into the minimum front yard requirements provided the extension is not more than three (3) feet and no closer than twenty (20) feet from the Virginia Department of Transportation or other public rights-of-way; cornices, canopies, awnings, eaves, and similar features. Any one of the following may extend into the minimum front yard requirements provided the extension is not more than five (5) feet and no closer than twenty (20) feet from the Virginia Department of Transportation or other public rights-of-way: stoops, steps, stairs, cantilevers, chimneys, and fireplaces. Permitted Rear & Side Yard Extensions Any of the following architectural features may extend into the minimum yard requirements provided the extension is not more than three (3) feet and no closer than five (5) feet from any property line; cornices, canopies, awnings, eaves, and similar features. Any one of the following may extend into the minimum yard requirements provided the extension is not more than five (5) feet and no closer than five (5) feet from any property line; air conditioners, belt courses, counter levers, fire balconies, fire escapes, fireplaces, chimneys, HVAC equipment, leaders, sills, stairs, steps, and stoops

§26.804 – Parking and Storage of Certain Vehicles

The storage of more than one motor vehicle or trailer which is wrecked, inoperable, or without current state inspection shall be in an enclosed building or in a space that is completely screened from view from any public road by wall, fence, or hedge. The storage of five (5) or more such vehicles shall constitute a junkyard and shall comply with the provisions of this ordinance and applicable state regulations.

§26.805 – Flood Hazard Zones

Purpose

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

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

Applicability

These provisions shall apply to all lands within the jurisdiction of the Town of Port Royal and identified as being in the 100-year floodplain by the Federal Insurance Administration.

Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Department of Planning & Community Development (DPCD).
- D. This ordinance shall not create liability on the part of the Town of Port Royal or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Abrogation and Greater Restrictions

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

Severability

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

Description of Districts

A. Basis of Districts

The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps for the Town of Port Royal and County of Caroline prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 2, 2009, as amended. The approximated Floodplain Area shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study for the Town of Port Royal and County of Caroline prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated March 2, 2009, as amended. For these areas, the one hundred (100) year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific one hundred (100) year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use and/or activity shall determine this elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers licensed by the Commonwealth of Virginia, who shall certify that the technical methods used correctly reflect currently accepted technical concepts and methodologies. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the County and/or agencies as required.

1. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided but for which no floodway has been delineated.
2. The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated.

B. Overlay Concept

1. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

§26.806 - Official Zoning Map

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared a part of this ordinance and which shall be kept on file at the Town of Port Royal town hall offices.

§26.807 - District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Port Royal Town Council where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

§26.808 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the applicant may appeal to the Board of Zoning Appeals in accordance with Article 18, Section 3 of this ordinance and Code of Virginia 3.2-2309 (1950 as amended).

§26.809 – Permit and Application Requirements

A. Permit Requirement

- A. All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning/building permit or any other permit(s) required by Town of Port Royal. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance, the VA Uniform Statewide Building Code (USBC), all other applicable codes and ordinances, as amended, and the Town of Port Royal Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- B. Alteration or Relocation of a Watercourse Prior to any proposed alteration or relocation of any channel or of any watercourse within this jurisdiction, a permit shall be obtained. If applicable, from the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any one of these organizations). Further notification of the proposal shall be given, if applicable, to all adjacent jurisdictions, the Division of Dam Safety and Floodplain Management (Department of Conservation and Recreation), and the Federal Insurance Administration.

- C. Site Plans and Permit Applications
All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
 1. The elevation of the Base Flood for the site.
 2. The elevation of the lowest floor (including basement).
 3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.

A Certificate of Elevation may be used for new construction provided it addresses each of the issues as identified above.

- D. No new construction or development shall be permitted within the Floodplain District unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one foot at any point.
- E. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.
- F. All manufactured homes (mobile homes) to be placed or substantially improved within the Floodplain District shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code. The lowest floor elevation, including basement, will be three feet or more above the one hundred (100) year flood elevation.
- G. All development in the Floodplain District and all building permits issued for the floodplain shall conform to the following:
 - 1. The lowest floor elevation, including basement, of any new or substantially improved residential structure shall be three feet or more above the one hundred (100) year flood elevation.
 - 2. Electrical Systems:
 - a. All electric water heaters, electric furnaces, and other electrical installations shall be prohibited below an elevation of three feet above the 100-year flood elevation.
 - b. Electrical distribution panels shall be placed at least three (3) feet above the 100- year flood elevation.
 - 3. Storage: No materials that are buoyant, flammable, or explosive shall be stored in the 100-year floodplain, unless they are properly anchored or floodproofed to preclude their causing damage to life and property.

§26.810 - Permitted Uses in the 100-Year Floodplain District

All uses permitted in the underlying zoning district shall remain except for the following:

- A. Solid waste, landfills, dumps, junkyards, outdoor storage of inoperable motor vehicles, and/or materials.
- B. The filling of marshlands.
- C. Damming or relocation of any watercourse that will result in any downstream increase in flood levels during the base flood.
- D. The construction or storage of any object subject to flotation or movement during flooding.

§26.811 - General Standards

In all special flood hazard areas the following provisions shall apply:

- A. New construction and substantial improvements shall be done according to the VA USBC and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage in accordance with these regulations.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G. New and replacement public sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

H. The subsurface soil absorption system for on-site waste disposal systems shall be not be located in flood plains subject to annual or more frequent sustained flooding,

.Any alteration, repair, reconstruction or improvements to a building that complies with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

I. Any alteration, repair, reconstruction or improvements to a building that does not comply with the provisions of this ordinance, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

J. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc. within this jurisdiction a permit shall be obtained, if applicable, from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

K. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

§26.812 - Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section 6.6 of this Article, the following provisions shall apply:

A. Residential Construction New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than three (3) above the base flood elevation.

B. Non-Residential Construction New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than three (3) feet above the base flood elevation. Buildings located in all A1 -30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus three (3) feet are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

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

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

2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section 6.12 of this Article.

2. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision in which a manufactured home has not incurred substantial damage as the result of a flood shall be elevated so that either

- a. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the base flood elevation; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than three (3) feet in height above grade; or
- c. And be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

1. All recreational vehicles placed on sites must comply with the following:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
- c. Meet all the requirements for manufactured homes in Section 6.12 of this Article. Section 6.14

- Standards for Approximated Floodplain

The following provisions shall apply within the Approximate Floodplain District:

A. When base flood elevation data or floodway data have not been provided, the Town of Port Royal shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Section 6.

B. When such base flood elevation data is utilized, the Zoning Administrator shall obtain

1. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,

2. If the structure has been floodproofed in accordance with the requirements of Section 6.13 of this Article, the elevation in relation to the mean sea level to which the structure has been floodproofed.

C. When the data is not available from any source as in Section 6.6, the lowest floor of the structure shall be elevated to no lower than three (3) feet above the highest adjacent grade.

§26.813 - Standards for the Special Floodplain District

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zone AE on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Port Royal.

Development activities in Zones AE, and AH, on the County of Caroline's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies – with the Town of Port Royal endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

§26.814 - Standards for the Floodway

The following provisions shall apply within the Floodway when it has been identified as in Section 6.6

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town of Port Royal endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

B. If Section 6.10 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met. Section 6.17 - Standards for Subdivision Proposals Within Floodplain District

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage in accordance with this ordinance;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

D. Floodplain data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

§26.83 - Design Criteria for Utilities and/or Public Facilities

A. All new or replacement sanitary sewer facilities and private package sewage treatment plants, including pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and must be located and constructed to minimize or eliminate flood damages

C. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with the Town's stormwater management plan. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.

D. All utilities, such as gas lines, electrical and telephone systems being placed in flood-prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Draining openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights. The finished elevation of all new streets shall be no more than one foot below the 100-year flood elevation.

§26.816 – Variances

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

A. The showing of good and sufficient cause.

B. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.

C. The danger that materials may be swept on to other lands or downstream to the injury of others.

D. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

E. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

F. The importance of the services provided by the proposed facility to the community.

G. The requirements of the facility for a waterfront location.

H. The availability of alternative locations not subject to flooding for the proposed use.

I. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

J. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

K. The safety of access by ordinary and emergency vehicles to the property in time of flood.

L. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

M. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

N. Such other factors which are relevant to the purposes of this ordinance.

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

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances. Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variations. Any variations that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

§26.817 – Existing Structures in Floodplains

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions (Prior to Boundary Line Adjustment; August 1, 1989), but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC.

C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

§26.818 – Development Standards

A. Standards for Contractor's Office, Equipment, Storage, and Sales Facilities

1. General Standards

These standards shall apply generally to any Contractor's Office, Equipment, Storage, and Sales Facilities:

- a. A General Development Plan (GDP) shall be submitted as part of the application, which shall include a landscaping plan.
- b. Equipment and storage of materials shall be within a fully enclosed building or completely screened from view from adjoining parcels and public rights-of way.
- c. When possible, access to the site shall be provided by a secondary or internal street, with no direct access to a primary or arterial highway.
- d. Access to any state road shall be accomplished with the installation of a standard Virginia Department of Transportation (VDOT) commercial entrance or other entrance which meets the requirements as specified by VDOT.
- e. All exterior lighting shall be shielded and directed downward so the light source shall not be visible to adjacent property owners and public rights of way.
- f. There shall be no storage of hazardous materials/waste.
- g. There shall be no storage/dumping of construction debris, which includes, but is not limited to, asphalt, concrete, brick/block, roofing materials, tar, logs, stumps, and brush.

2. Additional Standards for the Rural Preservation (RP) District

In addition to the General Standards above, Contractor’s Office, Equipment, Storage, and Sales Facilities in the RP Zoning District shall also be subject to the following standards:

- a. Minimum lot size shall be ten (10) acres.
- b. The facility shall be located only on the same lot owned and occupied, as his primary residence by the owner of the facility.
- c. Access to state roads shall be limited to major collectors and arterials as identified in the Town of Port Royal Official Map and Comprehensive Plan.
- d. The parcel subject to this use shall be a parcel of record as of as of the effective date of this ordinance.
- e. Signage is limited to a single monument style sign no greater than 6 feet in height and twenty-four (24) square feet in area.
- f. The applicant shall have owned and resided on the parcel and owned the Contractor’s Office, Equipment, Storage and Sales Facility as of the effective date of this ordinance.
- g. The sale of equipment and materials shall be prohibited.
- h. The maximum number pieces of equipment and motor vehicles shall be 20. This includes but is not limited to dump trucks, trailers, earth moving equipment, tractors, and similar types of equipment.

B. Standards for Communication Facilities

1. Each applicant for a tower shall provide the Town Manager with an inventory of its existing facilities that are either within the jurisdiction of the governing authority or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Town Manager 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 governing authority, provided, however, that the Town Manager is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for use by others.

2. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location or evidence of the unsuitability of existing tower locations for

colocation must be provided by the applicant. Such evidence shall also include an affidavit executed by a radio frequency engineer that such existing tower or structure is unsuitable for the applicant's needs. Such evidence may also include any of the following items:

- 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.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

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

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

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

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

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

- a. Setbacks from residential dwelling units shall not apply to the property owners' construction of a residential dwelling subsequent to erection of the tower.
- b. No setback shall be required adjacent to VDOT right-of-way for an interstate highway. Setback requirements from residential dwelling units, however, shall supersede this provision. This provision may be modified by the Town Council during the special exception process.

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

9. Unless otherwise allowed under the conditions of a special use permit, or as a requirement of the Federal Aviation Administration, all structures shall have a galvanized steel finish. If painting is required by the FAA, documentary evidence from the FAA requiring such painting must be provided to the Town by the applicant. Should the applicant request to construct the tower from materials other than galvanized steel, the applicant shall state the reasons for the request in the application, and the applicant shall also furnish the Town with photographs, videos, or some other visual sample of the proposed finish.

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

11. No advertising of any type may be placed on the tower or accompanying facility.

12. All tower structures must be dismantled by the owner of the structure if not utilized by a service provider or properly maintained for a period exceeding twenty-four (24) consecutive months. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the Town prior to site plan approval.

13. Owners of towers shall provide the Town of Port Royal and/or Caroline County co-location opportunities on each or any tower without compensation as a community benefit to improve radio communication for Town of Port Royal and/or Caroline County departments and emergency services provided it does not conflict with the collocation requirements of subparagraph 3.

14. Maximum tower height (including appurtenances) shall be 199-feet, however, the Port Royal Town Council may approve a greater height based upon the following criteria:

a. The tower shall generally support the Town's policy of maintaining the Town's rural and historic characteristics by not creating a visually adverse impact on residences (other than a residence on the subject parcel), historic sites or scenic roadways;

b. The tower shall be located in areas designated in the Zoning Ordinance as Rural/Agricultural Preservation where existing topographical features provide significant visual buffer between the tower and nearby residences and/or businesses located on adjacent or surrounding parcels.

c. It shall be demonstrated to the Council's satisfaction that the additional height will provide more effective coverage and more effectively meet the communication needs of the residents of the Town of Port Royal than a 199-foot tower. However, at no time shall such a tower exceed a maximum height of 300-feet.

d. It shall be demonstrated to the Council's satisfaction that the additional height will decrease the overall number of towers in the Town.

e. Only those areas of the County designated as Permitted Commercial Tower Development Areas (PCTDAs) as set forth in the Caroline County Communications Tower Master Plan, prepared by Atlantic Technologies, dated December 21, 2006, are eligible to have a maximum tower height in excess of 199-feet.

15. A 100-foot wooded buffer easement shall be maintained around the site, except for ingress/egress unless otherwise approved by the Port Royal Town Council. An easement for the wooded buffer shall be recorded in the land records of the Circuit Court prior to site plan approval. Such easement shall retain the wooded buffer for the life of the tower. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.

16. The tower owner shall annually provide the Planning Department and the Commissioner of Revenue a report with the names, addresses, contacts, structures and equipment for all providers utilizing the tower.

17. The tower shall be constructed and at least one PCS/cellular user located on the tower within twelve (12) months of the date of issuance of the special exception or approval shall be null and void. The applicant shall post surety in an amount sufficient to cover the costs of dismantling. Surety shall be submitted to and approved by the Town of Port Royal prior to site plan approval.

18. The applicant shall be responsible for any costs incurred by the Town for review of the application.

C. Standards for Retail Sales and Services associated with Offices

1. Not more than 30% of the gross floor area shall be devoted to retail sales, and accessory uses thereto.
2. No outside storage shall be permitted.
3. No outside display or retail sales shall be permitted.

D. Standards for Antique Shops

1. The structure used for an antique store must resemble a historic farm house or similar agricultural structure in its design and site layout. When a new structure is proposed to be used an architectural rendering of the outside elevations shall be required.
2. Engineered steel buildings are not permitted to be used as antique stores or for any accessory buildings on the site.
3. A single paved entrance from a Virginia Department of Transportation maintained road is required.
4. A site plan in accordance with Article VIII, Section 3 shall be required.
5. No outdoor auctions are permitted.
6. Except for security purposes there shall be no outdoor lighting permitted.
7. There shall be only a single, non-illuminated, monument style sign permitted not to exceed 4 feet in height and 32 square feet in area.
8. There shall be no inoperable motor vehicles stored outside a fully enclosed building.
9. There shall be no outdoor storage of any materials, products, or substances.
19. There shall be no shipping containers, truck bodies, trailers, semi-trailers, mobile homes or other similar structures located on the site.

E. Standards for In-Law Suites

1. The owners of the principal structure and occupants of the in-law suite shall sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds and have the instrument recorded as an addendum to the deed for the property.
2. In-law suite shall not be counted as part of the permitted density under an approved development plan.
3. The in-law suite is to be integrated into the principal structure on the property or be located in a detached garage and shall not alter the appearance of the single-family dwelling. The principal structure must be occupied by at least one of its owners and used as a principal residence.
4. The occupants of the in-law suite must be family members of the occupant(s) of the single family dwelling as the term “family” is defined herein. For families defined in (v) of the definition of “family,” the total number of non-related individuals residing in the principal dwelling and in-law suite cannot exceed four (4).
5. The in-law suite may not be rented or occupied by non-family members of the occupant(s) of the single-family dwelling, except in accordance with all other provisions of this Zoning Ordinance and other ordinances of the Town. Conditional Uses and an amendment to any applicable proffers associated with the approved development plan.
6. The in-law suite shall not be occupied by more than two (2) people.
7. The maximum gross square footage for an in-law suite shall not contain more than 750 (gross) square feet as measured from outside dimensions.
8. The in-law suite shall have only a single bedroom.
9. The in-law suite shall not have separate electrical nor other utility service connections.
10. The in-law suite shall not have a separate physical address.

F. Standards for Accessory Apartment

1. The owners of the principal structure shall sign an affidavit duly acknowledged before some office authorized to take acknowledgments of deeds and have the instrument recorded as an addendum to the deed for the property.
2. An accessory apartment shall be counted as an additional dwelling unit as it relates to the permitted density under an approved development plan.
3. The accessory apartment is to be integrated into the principal or accessory structure on the property and shall not be allowed to detract from the visual character of the single-family development.
4. An accessory apartment shall not have more than two (2) bedrooms.
5. An accessory apartment shall provide at least one (1) off-street parking space for each bedroom.
6. An accessory apartment maybe occupied or rented to anyone provided that the principal structure is occupied by at least one of its owners and it serves as that owner's principal residence.
7. An accessory apartment shall be occupied by no more than two (2) persons.
8. The maximum gross square footage for an accessory apartment shall not contain more than seven hundred fifty (750) (gross) square feet as measured from outside dimensions.
9. The accessory apartment shall have separate electrical and other utility service connections.
4. The accessory apartment shall have a separate physical address.

G. Standards for Commercial Nursery/Greenhouses

1. A General Development Plan (GDP) shall be submitted as part of the application, which shall include a landscaping plan.
2. Equipment and storage of non-plant materials shall be within a fully enclosed building and completely screened from view from adjoining parcels and public rights-of way.
3. When possible, access points shall be shared with adjoining parcels.
4. Access to any state road shall be accomplished with the installation of a standard Virginia Department of Transportation (VDOT) commercial entrance or other entrance which meets the requirements as specified by VDOT.
5. Minimum lot size shall be two (2) acres.
6. All exterior lighting shall be shielded and directed downward so the light source shall not be visible to adjacent property owners and public rights of way.
7. There shall be no storage of hazardous materials/waste.
8. There shall be no storage/dumping of debris, which includes, but is not limited to logs, stumps, and brush.
9. There shall be at least a minimum of five (5) parking spaces, and one truck loading/unloading area shown on the GDP and site plan. All such parking and loading areas shall be screened from view from public rights-of-ways and adjoining parcels.

H. Standards for Towing Storage Lot

1. A Towing Storage Lot may only be operated as part of a bona fide Towing Service Operation. The Storage Lot may be located on the same property as the Towing Service Operation or on a separate lot or parcel.
2. Motor vehicle(s) shall not remain on the property for more than one-hundred-twenty (120) days.
3. A maximum of forty (40) motor vehicle(s) are permitted to be stored in any towing storage lot, notwithstanding any other provision of this Ordinance or any provision of Chapter 77 of the Code of the Town of Port Royal related to inoperable vehicles.
4. Motor vehicle(s) may not be repaired, restored, rebuilt, or otherwise repaired on the property.

5. Motor vehicle(s) shall not be stacked.
6. Vehicle parts and scrap metal shall not be stored on the property.
7. The sale of used motor vehicle parts, scrap metal or other materials shall not be permitted.
8. The sale of motor vehicles shall not be permitted.
9. A minimum of an eight (8) foot board on board fence or masonry wall shall be erected around the property so as to wholly screen the vehicles from view from adjacent properties and public-rights-of-way with the actual height to be determined by a visual impact assessment. No razor wire is permitted.
20. A 100-foot buffer of permanent vegetative screening (existing vegetation and/or new landscaping materials) shall be maintained on perimeter of the property outside of the fenced storage area.
21. The applicant must obtain and provide to the Town all required state licenses. The applicant must comply with all applicable state and local regulations.
10. Any motor vehicles which are damaged so as to be leaking fluid shall be brought to a concrete surface where all fluids shall be contained and disposed of in conformance with all state and federal regulations.
22. The applicant shall install a separator or other accepted industry practices of equal value/protection to prevent any leaking fluids from the motor vehicles from entering the soil or surface waters.
23. The applicant shall provide to the Town a copy of an annual contract with an approved hazardous waste company retained to collect and dispose of all hazardous wastes.
24. The applicant shall submit a quarterly report to Port Royal Town Manager of all vehicles which have been stored on the property. The report shall provide the following information:
 - (c) The total number and type of vehicles on the site.
 - (d) The length of time each motor vehicle has been on the site (days).
 - (e) The vehicle identification numbers of all vehicles on the site.
 - (f) The disposition of vehicles that have been removed from site.

I. Standards for Artist Studio

1. A site plan in accordance with Article VIII, Section 3 shall be approved.
2. The building shall be compatible as to architectural size, design, and scale to the nearby community. When a new structure is proposed to be constructed, an architectural rendering of the outside elevations shall be submitted for approval with the application for the Special Exception Permit.
3. A maximum of two employees shall be permitted on site at any time.
4. Adequate parking shall be provided.
5. Adequate water and sanitary sewer shall be provided as required by the Virginia Department of Health and Town of Port Royal, where applicable.
6. Retail or wholesale sales shall be prohibited.
7. Except for security purposes there shall be no outdoor lighting permitted.
8. Group visitation is prohibited.
9. Outdoor storage or display of any materials or products is prohibited.
10. There shall be no group or personal instruction, training or teaching on the premises.

J. Major Golf Course subject to the following development standards

1. Such a facility shall be located on a property of at least 120 acres in area in order to provide the required amenities, and shall be arranged in a manner to buffer adjoining properties from lights, noise and provide safety for participants, spectators, visitors and neighboring properties.

2. A “pro- shop” or similar retail facility strictly for the sale of equipment on the premises may be permitted provided that its size, location and related parking area(s) is compatible with the proposed facility.
3. Practice areas such as driving and practice ranges/putting greens for golf shall be located to reduce adverse impacts on adjoining properties to the greatest extent possible
4. Lodging on the property may be permitted subject to the following provisions;
 - a. Lodging shall be located in permanent structures such as hotels, motels or within a series of individual buildings. Lodging is not permitted within mobile/manufactured homes or recreational vehicles except as specifically approved for specific situations such as tournaments or special events. The proposed use of such structures or vehicles must be a part of the proposed Special Exception and must be addressed and approved by Port Royal Town Council prior to such usage.
 - b. Buildings in which lodging is utilized should be screened from adjoining properties.
5. Night lighting is prohibited, unless it is approved explicitly within the Special Exception in circumstances where the proposed lighting is designed so as to minimize adverse effects on neighboring properties.
6. All sanitary facilities shall be approved by the Virginia Department of Health and located within a permanent structure on the property. Temporary portable facilities shall not be utilized except as approved within the individual special exception and only in short-term special circumstances.
7. All food and drinks served on the premises shall have the applicable permits from the Virginia Department of Health.
8. The sale/use of alcoholic beverages shall only be permitted if approved in conjunction with the special exception and shall require a license/permit from the Virginia Department of Alcohol and Beverage Control.
9. All proposed uses, including courses, practices ranges, restaurants, lodging, “proshops,” retail facilities, lighting, and conference/meeting areas shall be shown on the General Plan of Development for review and approval by the Town.

K. Standards for a Crematory

- 1 Permitted only as a part of a funeral home; cremations must be performed in conjunction with ceremonies and/or services being provided by the funeral home.
2. Crematory may be contained within the same building as the funeral home or a separate building located on the same lot. If a separate building, it shall be compatible as to the architectural size, design and scale of the funeral home.
3. If located in a separate structure, it shall be located on the same parcel as the funeral home, and in all respects shall be considered as an accessory to the funeral HOME.

§26.818 – Special Provisions Applicable to Major Home Occupations

8.1 The standards for major home occupations are intended to insure compatibility with other permitted uses and with the character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the main building as the criteria for determining whether a proposed accessory use qualifies as a major home occupation.

8.2 The following regulations shall apply to any major home occupation:

- a. Such occupation may be conducted either within the dwelling or an accessory structure, or both, provided the total area devoted to the home occupation shall not exceed thirty-five (35) percent of the gross floor area of the dwelling unit or two thousand (2,000) square feet, whichever is less.

- b. There shall be no change in the outside appearance of the buildings or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign in accordance with the Sign regulations of this ordinance. Accessory structures shall be similar in façade to a single family dwelling; private garage, shed, barn or other structures normally expected in a rural area and shall be specifically compatible in design and scale with other development in the area in which it is located. Any accessory structure, which does not conform to the setback and yard regulations for main structures in the RP district, shall not be used for any home occupation.
- c. No traffic shall be generated by such major home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such major home occupation shall be met off the street and other than in a required front yard.
- d. A site plan in accordance with Article XV, Section 14 shall be submitted with the application for a Special Exception Permit.
- e. Tourist lodging, Bed and Breakfast, nursing home, nursery schools, and private schools shall not be deemed a major home occupation.
- f. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average agricultural operation under normal circumstances wherein no major home occupation exists.
- g. No storage or display of materials, goods, supplies, or equipment related to the operation of a major home occupation shall be visible from the outside of any structure located on the premises.

8.3 Special Application Required

Application for a major home occupation shall be made on a form provided by the Town Manager,

which shall include a full description of the proposed occupation. This application shall be in addition to the application for a Special Exception Permit.

8.4 Time Limit

- a. The initial time limit shall not exceed one (1) year.
- b. Requests for a renewal shall be submitted to the Planning Department in writing, at least ninety (90) days prior to the expiration. The fee for renewal of a major home occupation shall be in the amount set forth in the fee schedule adopted separately by the Town Council.
- c. Renewals can be granted for two (2) year increments.
- d. The request shall be reviewed and an inspection made of the property by the Town Manager to verify continued compliance with the necessary criteria and conditions established with the initial approval. A report of the inspection shall be forwarded to the Planning Commission and Town Council for their consideration in reviewing the request for renewal.

8.5 Voiding a Permit

The Town Council may void any Major Home Occupation for noncompliance with the conditions set forth in approving the permit.

§26.819 – Chesapeake Bay Preservation Area Overlay District

The Town of Port Royal Chesapeake Bay Act ordinances and erosion and sediment control shall apply.

§26.820 - Special Provisions Applicable to Manufacturing of Horticultural Products

1. An environmental assessment shall be prepared and submitted to the Zoning Administrator in conjunction with a site plan application. The environmental assessment shall address any odor, water quality, noise, traffic and any other environmental quality issues and proposed mitigation measures to minimize such impacts. The Administrator shall refer this environmental assessment to the Planning commission for review with the site plan. The Commission may require any mitigation measures proposed and/or require the inclusion of additional measures that are reasonably related to the environmental issues being addressed.
2. The following buffers shall be established:
 - a. From property boundary (all sides) - 100 feet
 - b. From any outdoor (unenclosed) active compost pile to an existing residence, retail establishment, school, hospital, church or other institutional facility - 500 feet
3. Wood grinding machinery shall not operate between 11:00 p.m. and 6:00 a.m. unless enclosed on at least three sides.
4. Notwithstanding the provisions of Section 10 of this Article, the outdoor storage of compost, input materials and bagged and bulk finished product shall be allowed, provided that a vegetative buffer of at least 100 feet is provided or that such storage area is not visible from beyond the property borders.
5. Notwithstanding the provisions of paragraphs 2 – 4 above, modifications may be made based on recommendations contained in the environmental assessment.

§26.821 - SPECIAL PROVISIONS APPLICABLE TO CAMPGROUNDS / CAMPING

The following standards shall apply to all campgrounds/camping areas, and individual lots within those areas.

1. Permanent occupancy of any camping lots shall not be permitted. The maximum number of overnight stays shall not exceed 180 days in any twelve month period.
2. A register shall be kept by campground/camping area operator for three (3) years, which shall at all times be available for inspection by code enforcement officials. The register shall show the name of each lot owner, the address and lot number, name, model and identification number of all recreational vehicles on such lot at any time, and the dates of occupancy.
3. Improvements within lots.
 - (a) The regulations for individual lots provided for in this Article shall be in addition to any applicable regulations of governed by the Virginia Uniform Statewide Building Code.
 - (b) Camping Lot. The size of each camping lot must be great enough to accommodate the dimensions of recreational vehicles anticipated, including accessory structures, and including required distance between recreational vehicles as set forth herein. Each space shall be located at such elevation, distance, and angle to an access street so that placement and removal of the recreational vehicle may be undertaken without difficulty. Each space where a recreational vehicle is parked shall be constructed so as to provide for the support of the maximum anticipated loads during all seasons and must be constructed with an adequate longitudinal gradient and with a crown and cross gradient for surface drainage.

(c) Distance between units. There shall be ten (10) feet or more distance between individual recreational vehicles including accessories as permitted by this Article.

(d) No recreational vehicle or accessory use or temporary structure thereto shall be situated any closer than five (5) feet to a property line.

(e) Additions to recreational vehicles. No permanent or semi-permanent structure shall be affixed to any recreational vehicle as an addition to such recreational vehicle, nor shall any accessory structure be permitted on any camping lot except as provided below.

(1) A deck may be provided for use by the occupants of a recreational vehicle provided the deck is no larger than 180 square feet and extends no further than ten (10) feet beyond the recreational vehicle.

(2) A porch may be provided for the use of the occupants provided it does not exceed two-hundred (200) square feet and extends no further than ten (10) feet beyond the recreational vehicle. At least 50% of each porch wall shall be windows, screens and/or doors.

(3) A protective awning may be constructed above a recreational vehicle provided it extends no further than one (1) foot on any side of a recreational vehicle and the maximum height of the roof shall not exceed fifteen (3) feet.

(f) Storage. A storage facility no larger than one hundred-fifty (30) square feet may be located on any recreational vehicle lot provided that such facility will be constructed of a weather resistant material and must be screened to minimize visibility.

4. As used herein the term "campground" means any area that is occupied and intended or designed or improved for temporary occupancy by individuals using recreational vehicles, tents, motor homes, boats, and similar vehicles for temporary dwelling, lodging, or sleeping purposes. The term "recreational vehicle" means any vehicle built on a chassis, containing 400 square feet or less when measured at the largest horizontal projections and is designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed nor intended for use as a permanent dwelling, but as for temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, motor homes, boats, house boats, and camping shells on trucks and campers

5. Manufactured home, as defined in Article 2 of this ordinance, shall be prohibited.

§26.822 - RESIDENTIAL OCCUPANCY

1. Purpose and Intent. This section is intended to improve public health, safety, convenience and welfare of the Town's citizens and to control the over-occupancy of dwelling units and the associated increase of motor vehicles, noise, traffic and overwhelming of public and private utilities and consequent impairment of the quality of life in the Town's residential neighborhoods designed for family use and enjoyment. Additionally, the Town intends to use its zoning authority granted by the Commonwealth of Virginia (3.2-2200, Code of Virginia, 1950 as amended) to protect against overcrowding of land and undue density of population in relationship to community facilities existing and/or available.

2. In any district in which residential uses are allowed or legally exist, a dwelling unit must be occupied by a family as defined in this Zoning Ordinance. Any occupancy by any other entity or person shall constitute a violation of this chapter.

3. Notwithstanding the foregoing subsection (1) and subject to the provisions of subsection (4), the maximum occupancy of single-family detached and single-family attached dwelling units occupied by a single-family shall be determined in the following manner (see below).

Residential Occupancy Standards

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Number of Adult Occupants*
901 to 1,200	4 adult occupants
1,201 to 1,750	5 related adult occupants
1,751 to 2,400	6 related adult occupants
2,401 to 3,300	7 related adult occupants
3,31 to 4,000	8 related adult occupants
4,001 to 4,500	9 related adult occupants
4,501 to 5,000	10 related adult occupants

*Adult occupant means any individual 18 years of age or older, living or sleeping in a building, or having possession of space within a building.

4. Notwithstanding the subsection (1) and subject to the provisions of subsection (4), the maximum occupancy of multi-family dwelling units occupied by a single-family shall be determined by dividing the square footage of living area and dividing by 200 (i.e. a 1000- square foot unit would permit up to 5 adults; however, the standards in subsection 5 will likely reduce the number allowed).

5. The occupancy limits set forth in subsections (3) and (4) above are subject to the following occupancy standards for bedrooms as determined in the following manner;

a. The first occupant of a bedroom requires at least seventy (70) square feet. For each additional occupant of a bedroom requires at least fifty square feet per occupant. This is illustrated, below.

Required Bedroom Area

Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
30	3
200	4

*Number of occupants includes adults and children.

6. Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements as identified in subsections (3), (4), and (5).

7. Prohibited Occupancy.

- a. Kitchens and non-habitable spaces shall not be used for sleeping purposes.
- b. Habitable spaces identified as non-bedroom space shall not be used for sleeping purposes.

ARTICLE IX SIGN REGULATIONS

§26.900 - General Provisions

1. The following types of signs are prohibited in all zoning districts:

- (a) Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.
- (b) Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not less than five second cycle, or message board, when such sign does not constitute a public safety or traffic hazard, in the judgment of the Zoning Administrator.
- (c) Any lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof.
- (d) Any sign that obscures or interferes with a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
- (e) Any sign that uses the word “stop” or “danger” or otherwise presents or implies the need or requirement of stopping or caution of the existence of danger or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by public authority.
- (f) Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.
- (g) Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.
- (h) Any sign that violates any provision of any law of the State relative to outdoor advertising.

2. General advertising signs may be permitted only if necessary to direct customers to a place of business located within the Town of Port Royal. The primary intent of such signs shall be directional and not for advertising purposes. In no case shall the combined square footage for off-site signs exceed one hundred (100) square feet, nor shall any one sign exceed twenty-five (25) square feet.

3. No sign shall be located or illuminated in such a manner as, in the opinion of the Zoning Administrator, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the Zoning Administrator, who may consult with the Resident Highway Office, Virginia Department of Highways, to assist him in determining whether a traffic hazard exists.

4. No part of any sign projecting more than twelve (12) inches from any wall or from any other support shall be not less than ten (10) feet above the level of the ground at that point. Signs projecting over vehicle travel lanes shall be not less than fourteen (14) feet above ground level.

5. Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premises or the public, or is erected or maintained in violation of this Ordinance, the Zoning Administrator shall order such sign to be made safe or comply with this Ordinance, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within twelve (12) days from the date of mailing said order by the persons owning or responsible for the sign.

6. Signs shall be exempt from setback requirements in all zones provided, however, that no sign shall be so located as to interfere with vehicular sight distances at intersections or to create a safety hazard.

7. Any internally illuminated sign must have a U.L. Label or the electrical system must be approved by the building inspector.

8. A bulletin board not exceeding twenty-four (24) square feet in size may be permitted in any use district provided that such bulletin board is used in conjunction with churches, schools, or similar places of public assembly.

9. No permanent sign shall be erected, constructed, posted, painted, altered, maintained, or relocated without first obtaining a sign permit from the Planning Department. Each application for a sign shall be accompanied by a set of plans showing the dimensions of the sign; its structure, character, and design; the method of illumination, if any, and the exact location of the proposed sign.

25. The location of the sign as determined by the Director of Planning shall not interfere with the location or placement of any official traffic control devices or with the flow of pedestrian or vehicular traffic, and such sign shall not impair any sight distance reasonably necessary for pedestrian or traffic safety.

§26.901 - Signs Permitted in Rural Preservation (RP) District

1. Home occupation signs provided that the maximum of such signs shall not exceed four (4) square feet.

2. Public signs.

3. Subdivision signs.

4. Temporary event signs provided that the maximum size of such signs shall not exceed sixteen (16) square feet and that not more than two (2) such signs shall be located on any lot or premises.

5. Business signs provided that (a) no portion of a freestanding sign shall be greater than twenty (20) feet from ground level, (b) no wall sign shall be greater in height than the roof line of the

main building located on the premises, (c) the aggregate area of wall signs shall not exceed fifty (50) square feet. There shall be no more than one (1) freestanding sign on any one lot or premises, except that where said lot or premises fronts on two or more streets a second such sign is permitted.

6. General advertising signs provided that such signs meet the specifications contained herein.

§26.903 - Signs Permitted in Business (B-1) District

1. Public signs.

2. Temporary event signs provided that the maximum size of such signs shall not exceed sixteen (16) square feet and that not more than two (2) such signs shall be located on any lot or premises.

3. General advertising signs provided that such signs meet the specifications contained herein.

4. Business signs provided that such signs meet the following standards:

(a) For individual businesses and industries not located in shopping centers or industrial parks - one (1) freestanding sign shall be permitted on any lot or premises except that lots having frontage on two streets shall be permitted to erect two such signs provided that the combined square footage shall not exceed the total normally permitted for one sign. Such signs shall not exceed thirty-five (35) feet in height. The aggregate size of all such signs shall not exceed two and one-half (2-1/2) square feet of sign area for each lineal foot of building frontage up to a maximum of 300 square feet for each side of a building which faces a street.

(b) In shopping centers and industrial parks - one (1) freestanding sign shall be permitted identifying the shopping center or industrial park. Such sign may list the tenants of the center/park but shall not exceed forty (40) feet in height. The maximum size of such signs shall be two and one-half (2-1/2) square feet of sign area for each lineal foot of street frontage provided however that no such sign shall exceed four hundred (400) square feet. Centers/parks having more than one street frontage may have an additional sign for each additional street frontage. Each store or industry may have one wall sign. The maximum height of such signs shall not exceed five (5) feet above the height of the building. The maximum size of such signs shall be two and one-half (2-1/2) square feet of sign area for each lineal foot of building frontage up to a maximum of one hundred (100) square feet. Each store or industry shall also be permitted one (1) identification sign not to exceed ten (10) square feet in size on the rear of the building to identify the tenant and one under canopy sign not to exceed six (6) square feet in size.

§26.904 - Sign Permits; Applications; and Fees

No sign shall be erected, constructed, posted, painted, altered, maintained, or relocated without first obtaining a sign permit from the Zoning Administrator. The application for a sign permit shall be made on the provided forms and submitted to the Zoning Administrator's office. Each application shall be accompanied by a set of plans showing the dimension of the sign; its structure,

character, and design; the method of illumination, if any; and the exact location proposed for the sign. The fee for each sign shall be in the amount set forth in the fee schedule adopted separately by the Port Royal Town Council.

Article X Nonconforming Lots, Uses, and Structures

§26.1000 - Intent

The purpose of this Article is to regulate nonconforming uses in a manner consistent with good planning practices and sound zoning principles. It is the intent that over time, nonconforming uses will be discontinued in favor of uses conforming to this Ordinance and the zoning map. It is also recognized that under certain circumstances, nonconforming uses may change so as to become less non-conforming according to law and the provisions of this Ordinance. A change in title or possession, or renewal of a lease, of any such nonconforming land, lot, building, or structure does not constitute a change affecting the continuance of the use.

§26.1001 - CONTINUATION OF NONCONFORMING USES

A nonconforming use may continue as it existed when it became nonconforming. A nonconforming use shall not be changed, altered, repaired, restored, replaced, relocated or expanded in any manner, including the addition of new accessory or incidental uses, except as provided for in this Article.

§26.10023 - DISCONTINUANCE OR ABANDONMENT OF A

NONCONFORMING USE If any nonconforming use is discontinued for a period of two (2) years, it shall lose its nonconforming status, and any further use shall conform to the provisions of this Ordinance.

§26.1002 - PERMITTED CHANGES OF NONCONFORMING USES

A nonconforming use may only be changed, altered, repaired, restored, replaced, relocated or expanded only as follows:

A. A nonconforming use may change to a conforming use.

B. A nonconforming use may change to a more restrictive nonconforming use in accordance with the following provisions:

1. A nonconforming use may only be changed to a more restrictive nonconforming use upon approval by the zoning administrator. The zoning administrator's approval, which shall not be given until the nonconforming status of the use has been verified in accordance with Section 8 of this Article, shall include a determination in writing that the proposed use is "more restrictive" than the existing nonconforming use. If the zoning administrator determines the proposed use is not "more restrictive" than the existing nonconforming use, the application for a change to a more restrictive nonconforming use shall be denied. An appeal of such a determination may be made to the Board of Zoning Appeals as provided for in this Ordinance.

5. In determining whether a proposed use is a "more restrictive" nonconforming use, the administrator shall consider, among other things, the following factors:

- a. Whether the proposed use will change the size and scope of the existing use, and the magnitude of such change; and
 - d. Whether the proposed use will increase the intensity of the nonconforming use, including hours of operation, traffic, noise, and similar impacts; and,
 - b. Whether the proposed use will have a more or less detrimental effect on conforming uses in the neighborhood.
3. Upon approval of the change to a more restrictive nonconforming use, site plan approval, as set forth in this Ordinance, shall be required.
- C. Minor alterations, cosmetic modifications, interior renovations and similar changes for nonconforming uses may be permitted subject to the following standards:
1. The change(s) shall not increase the physical area occupied by any component of the nonconforming use, and shall not increase the gross floor area of any nonconforming structure; and
 2. The construction shall meet all current zoning ordinance requirements for the zoning district in which the nonconforming use is located, or the zoning district assigned by the zoning administrator as a part of the nonconforming use verification process, whichever requirements are more strict.
- D. A nonconforming use may be repaired so long as the repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming.
- E. A nonconforming use may be restored or replaced as follows:
1. A nonconforming use that is damaged by any cause to any extent not exceeding fifty (50) percent of its current appraised value according to the records of the Commissioner of Revenue may be restored to its condition prior to such damage, provided such restoration is begun within twelve (12) months of the date of the damage and completed within eighteen (18) months of the date of the damage.
 2. Restoration shall not include any minor alterations, cosmetic modifications, interior renovations or similar changes except as permitted in subsection C of this Section, nor shall such restoration include any expansion unless approved under the provisions of subsection F of this Section. Restoration may include changes that make the use less nonconforming provided a determination that the use is less nonconforming is made in accordance with subsection B of this Section.
 4. Prior to any restoration permitted by this Section, the nonconforming status of the structure shall be verified as set forth in Section 8 of this Article.
 5. Restoration of nonconforming structures, except for single family detached dwellings, shall require site plan approval as set forth in this Ordinance.
 6. Nonconforming uses other than signs and buildings (such as, but not limited to, underground storage tanks, private sewage disposal systems, and parking lots) may be restored or replaced when such structures become unsafe or unsound.
 - a. A relocation of the use on the same lot may be approved by the administrator provided the new location is less nonconforming than the original location, and further provided that the new location shall not cause a greater detrimental impact on conforming uses in the neighborhood.
 - b. Nonconforming signs may be repaired or replaced in accordance with the provisions of Section 5 of this Article.
- F. A nonconforming use may be expanded as follows:

1. Nonconforming structures occupied by, or used as part of, a conforming use may be expanded, provided the expansion meets all current zoning regulations for the zoning district in which the structure is located; except that an unenclosed porch may be added to an existing single family dwelling in the R-1 district provided the porch does not extend more than ten (10) feet from the front of the structure into the required front yard, and provided the front of the porch is no closer than twenty (20) feet from the edge of the Virginia Department of Transportation or other public rights of way
 2. A nonconforming use may be extended throughout any part of a structure originally arranged or designed for that activity, provided that current parking standards as set forth in this Ordinance are met.
 3. No structure used as a part of a nonconforming use shall be moved to any other lot unless the lot is zoned to permit the use, nor shall the structure be moved within the lot on which it exists, unless a relocation is specifically provided for in this Section.
 4. Whenever a percentage limitation is placed on expansion, that limitation shall be the total expansion allowed, whether in increments of any size that add up to the total, or all at once.
 5. No area of any lot not originally devoted to the nonconforming use may be utilized for an expansion, except when it would result in a conforming use.
 6. Any permitted expansion of a use and/or new or expanded accessory structures and uses shall meet all zoning ordinance requirements, including height, yard and setbacks, for the zoning district in which located.
 7. In no case shall a nonconforming single family dwelling be modified to accommodate additional dwelling units.
 8. Prior to the approval of expansion of a nonconforming use under this Section, the nonconforming use shall be verified as set forth in Section 8 of this Article.
- G. All changes to nonconforming uses as set forth herein are subject to verification of the nonconforming use and obtaining all appropriate permits and approvals including, site plan approval, building permit approval and zoning approval.

§26.1003 - NONCONFORMING SIGNS

Nonconforming signs shall be governed by the regulations set forth elsewhere in this Article, except where such regulations conflict with the following provisions:

- A. Nonconforming signs shall not be expanded.
- B. Nonconforming signs may be changed to reduce any nonconformity as to the number of signs permitted on a lot, sign height, sign size and sign type.
- C. Signs that are nonconforming as to location may be relocated to be less nonconforming.
- D. The message or copy on a nonconforming sign may be changed, provided such change does not alter the sign type, unless the new sign type will result in a conforming sign in all respects.
- E. A sign permit, as required by this Ordinance, shall be required for any changes permitted by subsections B through D of this Section.
- F. The sign structure for a nonconforming general advertising sign that is damaged by any cause to an extent exceeding fifty (50) percent of its actual material replacement value based upon the Means Construction Cost Index may be restored subject to the following conditions:
 1. Restoration shall be started and completed within twelve (12) months of the date of the damage.
 2. The overall structure height and overall square footage of sign area shall be reduced by 40%.

3. The sign shall be reconstructed out of the same materials as the damaged sign.
 4. Only one replacement shall be permitted for any such sign.
 5. Application for and approval of a replacement sign in accordance with subparagraph F of this Section shall be granted within six (6) months of the date of the adoption of this ordinance.
- G. Notwithstanding any other provisions of this ordinance, an existing business in the B1 Business District shall be permitted a one-time replacement of a non-conforming sign subject to the following conditions:
1. The subject property must be zoned B-1 Business on the effective date of this ordinance.
 2. The business must be a permitted use and have been legally operating on the effective date of this ordinance
 3. The nonconforming sign must be in existence on the effective date of this ordinance.
 4. The non-conforming sign must have been rendered obsolete by the relocation of a state road.
 5. The existing non-conforming sign may be relocated and replaced in conformance in all respects with the previous sign, including but not limited to height, square footage, type, etc.
 6. Any modification of the sign shall require the sign to be brought into compliance with the Highway Corridor Overlay District regulations at that time.

Section 6 - USE OF NONCONFORMING LOTS

A. Any unimproved lot of record, located in any preservation district, hat is nonconforming with respect to the lot area, lot width, or lot depth, or any combination thereof, as required in the zoning district in which the lot is located may be used for any permitted use in such zoning district, provided all other standards of the zoning district are met.

B. Any unimproved lot of record existing on the effective date of this Article that could have been used for a single-family dwelling use under the zoning ordinance in effect immediately prior to the adoption of this Article may be used for a single-family dwelling use, provided all other standards of the zoning district in which the lot is located are met, except that for nonconforming lots in the RP zoning district, the minimum lot area and lot width standards do not have to be met.

C. In addition to the changes that may be allowed to nonconforming lots by Section 4 of this Article, nonconforming lots may change as follows:

1. A nonconforming lot may be increased in lot size, lot width, or both, to make the lot less nonconforming.
2. The boundaries of a lot that is nonconforming as to lot size or lot width, or both, may be adjusted along with the boundaries of any contiguous conforming lot, provided such adjustment does not make the conforming lot nonconforming and does not make the nonconforming lot more nonconforming.
3. A boundary adjustment between two (2) nonconforming lots, or among three (3) or more nonconforming lots, shall be permitted provided that no new lot is created, that lot width is not decreased to less than the required front setback line, as set forth in this Ordinance, and that, in the RP zoning district, lot size is not decreased to less than one acre.
4. When a building a structure or a structure is expanded and said structure is located on more than one nonconforming lot, a boundary adjustment shall be required to consolidate the lots to make them less nonconforming.
5. A subdivision plat shall be filed, approved and recorded in accordance with law, whenever any nonconforming lot is modified as set forth in this Section.

§26.1004 - SPECIAL PROVISIONS REGARDING NONCONFORMING USES AND STRUCTURES IN FLOOD HAZARD OVERLAY DISTRICT

A structure, or the use of a structure or premises, which was lawful prior to August, 1989, but which is not in conformity with the provisions of this Section, may be continued subject to the following conditions:

A. No structural alteration, addition or repair, singularly or cumulatively, to any nonconforming structure shall exceed fifty (50) percent of its appraised value as shown in the assessment records of Caroline County at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use; provided, however, that if any such alteration, addition or repair exceeds twenty (20) percent of the aforementioned value such alterations shall be in compliance with this Ordinance.

. Existing structures located in a floodway area shall not be expanded or enlarged below the level of the one hundred (100) year flood elevation. A certification of elevation prepared by an engineer or surveyor, licensed by the Commonwealth of Virginia shall be required to be submitted as part of the permit application.

A. If such use is discontinued for twenty-four (24) consecutive months, any subsequent use of the subject property shall conform to Section 2 of this Article notwithstanding the intention of the landowner to continue such use.

B. If any nonconforming use or structure is damaged or destroyed by any cause whatsoever, to an extent of fifty (50) percent or more of its fair market value, it shall be reconstructed only in conformity with the requirement of this Ordinance and all rights as a nonconforming use are terminated.

B. Notwithstanding any of the above regulations, structures designated on the National Register or the Virginia Registry of Historic Structures shall be exempt from the provisions of this Section.

§26.1005 - VERIFICATION OF NONCONFORMING USES

Prior to approval of any change in a nonconforming use permitted by § 5 of this Article, the zoning administrator shall verify the lawful status of the use. The zoning administrator may also verify the lawful status of a nonconforming use not proposed to change, upon the request.

A. In verifying the status of a nonconforming use, the zoning administrator shall determine the following:

1. Whether the use is in fact a lawful nonconforming use as defined by this Ordinance, and if so, then,

2. The location and gross floor area (in square feet) of all buildings associated with the nonconforming use; and

3. The location, use and size of all structures other than buildings associated with the nonconforming use; and

4. The area of land (in square feet) devoted to all aspects of the nonconforming use (including buildings, parking, outside storage, travel ways, open spaces, etc.); and

5. A description of the principal use(s) and all accessory uses that make up the lawful nonconforming use as a whole.

B. If the determination verifies the use, or any portion, as a lawful nonconforming use, the zoning administrator shall classify the overall nonconforming use based on the zoning district in which the

use would be a permitted use. If the use would be permitted in more than one zoning district, the assigned classification shall be based on the zoning district that is the least intense of all districts where the use would be permitted. The assignment of such a zoning classification shall not operate to change the zoning of the property on which the nonconforming use is located, but shall be used only in determining the applicable criteria for change of the nonconforming use under § 4 of this Article.

C. The decision of the zoning administrator under subsections A and B shall be final after thirty (30) days unless an appeal is filed to the Board of Zoning Appeals in accordance with this Ordinance.

D. The decision of the zoning administrator shall be based on information provided by the owner of the property on which the nonconforming use is located, on information provided by other persons with knowledge of the property, and on any other information available to the zoning administrator as public record. Information may include, but shall not be limited to, permits, licenses, tax records, receipts, business records, photographs, plats, plans, bills, utility information, assessment information, and sworn affidavits from individuals with personal knowledge of the use and/or the property on which the use is located.

E. The zoning administrator shall keep a record of all verified nonconforming uses. Not less than every two (2) years after the original date of verification, the owner or operator of a verified nonconforming use shall file a report with the zoning administrator, on forms available from the Department of Planning & Community Development, showing that the nonconforming use has not ceased for a two (2) year period, or been abandoned, and that the use is being operated in accordance with the decision rendered as a part of the nonconforming use verification process, and any subsequent changes approved.

Article XI Amendments

§26.1100 - Intent

The Town Council may from time to time, amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries in the zoning ordinance or the official zoning maps by majority vote.

§26.1102 - Initiation of Amendments

Amendments to this ordinance shall be initiated in the following manners:

1. By adoption by the Port Royal Town Council of a resolution to amend, which resolution, upon adoption, shall be referred to the Planning Commission for consideration as provided for in this ordinance;
2. by adoption by the Planning Commission of a motion to amend, or;
3. in instances where land is to be classified, by petition of any property owner or contract owner of land proposed to be rezoned, such petition being filed with the Zoning Administrator.

§26.1103 - Uses Not Provided For

1. If in any district established under this ordinance, a use is not specifically a listed use, then that particular use is not permitted within the respective zoning district.
2. A property owner may petition the Town Council for the additional a use that is not specifically listed by submitting an application to the administrator. The administrator shall refer the application to the Planning Commission which shall make its recommendation to the Town Council. If the application is approved by the Town Council, the ordinance shall be amended to add the specific use and its definition in the respective section(s) of the ordinance.

§26.1104 - Application Procedures and Fees

Request for rezoning of land or ordinance changes shall be filed with the Zoning Administrator on standard forms provided for this purpose. Such applications shall be accompanied by a check, payable to the Port Royal Treasurer in the amount set forth in the fee schedule adopted separately by the Port Royal Town Council. No fee paid pursuant to this section shall be refunded unless a written request for withdrawal is received by the Zoning Administrator within five (5) working days after the date of application.

§26.1105 - Public Hearing and Notice

The Planning Commission and Town Council shall each hold a public hearing on any such proposed amendment. Notice shall be given of the time and place of such hearings as provided in Section 3.1-431 of the Code of Virginia, as amended. At least fifteen (3) days preceding the Planning Commission's public hearing on a zoning map amendment, the applicant shall erect on the property proposed to be rezoned, a sign or signs furnished by the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half (2-1/2) feet above the ground. If more than one (1) such road abuts the property, then a sign shall be erected in the same manner as above for each abutting roads. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two (2) boundaries of the property abutting land now owned by the applicant.

§26.1106 - Notice to Adjacent Jurisdictions

When any proposed change of a zoning district boundary affects property within 500 feet of a Town or County boundary, written notice of such, together with the date, time and place of the public hearing thereon, if such hearing has been scheduled, shall be forwarded to the Planning Commission, if such exists, or the governing body of the adjacent county or municipality in order to give such jurisdiction an opportunity to appear at the hearing or express its opinion on the effect of said boundary change.

§26.1107 - Referral to Planning Commission

Changes shall be made by the governing body in the provisions of this ordinance or the official zoning maps only after such changes have been referred to the Planning Commission for a report. Action shall be taken by the governing body only after said report has been received from the Planning Commission. If no recommendation is made by the Planning Commission within 90 days after the first meeting of the commission following the date the proposed amendment was referred to the commission, the governing body may assume that the commission has approved the change.

After the conclusion of the hearing provided for in this article, the commission shall report to the Town Council its recommendation with respect to the proposed amendment. In acting favorably with respect to a proposed amendment, initiated by the petition of a property owner or owners, the Planning Commission need not confine its recommendation to the proposed amendment as set forth in the petition, but may reduce the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that petitioned for, if the Commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this ordinance. No amendment to the zoning map shall be approved for a change in zoning classification different from that applied for and contained in the public notice of hearing nor for any land not included therein without referring said change to the Planning Commission for its review and recommendations and proceedings pursuant to the Article.

§26.1108 - Establishment of Conditions at the Time of Zoning Map Amendments (Conditional Rezoning)

In situations where a zoning map amendment (rezoning) might result in the development of land or uses that are competing and/or incompatible with existing or authorized uses on adjoining or nearby land, or there is a need because of unusual situations or to ease the transition from one district to another or for buildings, structures or uses having special requirements, the owner or contract owner of the property subject to the zoning map amendment may proffer in writing certain reasonable conditions, subject to the following limitations:

- A. The rezoning itself must give rise to the need for the conditions and such conditions shall have a reasonable relation to the rezoning.
- B. All conditions are in conformity with the Town of Port Royal Comprehensive Plan.
- C. Once proffered and accepted as part of the rezoning, such conditions shall continue in effect until a subsequent rezoning of the property; however, such conditions shall continue if the subsequent rezoning is part of a comprehensive implementation of a new or substantially revised zoning ordinance.
- D. No proffer shall be accepted by the Town unless there is an adopted Capital Improvement Program.
- E. In the event the proffered conditions include dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the Town's Capital Improvement Program.

F. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

§26.1109 - Administration, Filing and Acceptance of Conditions at the Time of Zoning Map Amendments.

- A. The proffered conditions, acceptance and imposition of conditions shall be made as follows:
- B. The proffer of conditions shall be submitted in writing to the Town Manager at the time the rezoning application is filed.
- C. No amendment or modification to such proffered condition(s) may be made unless such amendment is made voluntarily and in writing prior to the deadline for preparation of the advertisement of the public hearing by the Town Council on the rezoning request. The amendment or modification shall be submitted to the Planning Commission. The Town Council may accept amended proffers once the public hearing has begun if the amended proffers do not materially affect the overall proposal.
- D. The Town Council shall, prior to accepting and imposing proffered conditions, find (1) that the zoning amendment is proper and appropriate, notwithstanding the proffer of conditions, and (2) that the conditions proffered are in compliance with the limitations set in § 7 above.
- E. Enforcement of conditions accepted and imposed by the rezoning shall be the responsibility of the Zoning Administrator subject to provisions of § 3.2-2299 through 3.2-2303.3 of the Code of Virginia, as amended. E. No fee for a proffer amendment shall be charged for any amendment initiated by or at the request of the Town Council.

§26.1110 - Withdrawal of Request

Any request for rezoning may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after publication of the notice of hearing such withdrawal shall be only with the consent of either the Planning Commission or the Town Council, whichever body had advertised the hearing, and no new request concerning any or all of the same shall be filed within six months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

§26.1111 - Limitations on Filing, After Denial

Whenever a petition requesting the rezoning of land has been denied by the Town Council, at least one year shall elapse before reconsideration of the same petition, or one substantially similar.

§26.1112 - Concept Zoning Plan/Town Plan Amendment

A. Purpose

It is the policy of the Town of Port Royal that these regulations are intended to promote and enhance the public health, safety and welfare of its citizens by providing comprehensive regulations and requirements for considering petitions for concept zoning plan approval and amendment of the Town's Comprehensive Plan. The Town Council will accept petitions from property owners or contract property owners once a year subject to the following objectives, procedures, regulations, and restrictions:

B. Objectives

1. To promote a harmonious mixture of land uses and housing types and housing cost which will allow people to work and shop in the neighborhood in which they live.
2. To encourage creative and innovative design to complement and enhance the Town's visual character.
3. To ensure adequate provision and efficient use of open space and recreational facilities.
4. To provide for the enhancement and preservation of property with unique features such as historic significance, sensitive environmental resources and scenic qualities.
5. To promote good transportation design to minimize new traffic generation and separate pedestrian, bicycle, local residential and through motor vehicle traffic.
6. To reduce public utility maintenance costs by encouraging efficient land use pattern.
7. To promote energy-conserving buildings and site designs and land use patterns.
8. To ensure adequate provision of public facilities, such as but not limited to: schools, libraries, water, sewer, and stormwater management.

C. General Procedures

Administration: All petitions, applications and supporting documents for a concept zoning plan and amendment to the Town Plan shall be filed with the Town Manager by January 3th of any calendar year. The Town Manager shall maintain and make available for public inspection permanent records of all applications and related actions. Fees: Fees to be paid to the Town for consideration of a concept zoning plan and amendment to the Town Plan shall be paid at the time the petition, applications and supporting documents are filed with the Town Manager. Such applications shall be accompanied by a check, payable to the Town of Port Royal in the amount set forth in the fee schedule adopted separately by the Town Council.

D. Approval Procedure

1. The Town Manager shall refer the petition to the Planning Commission, which shall set the date for and advertise a public hearing by the Planning Commission on the proposed concept zoning plan and amendment to the Town's plan, to be held at a scheduled meeting of the Planning Commission in accordance with § 3.1-431 of the Code of Virginia, as amended.
2. The Town Manager shall review the petition and provide the Planning Commission with referrals, comments, and recommendations before its public hearing.
3. The Planning Commission shall review the petition and make a recommendation to the Town Council to approve, approve with modifications or disapprove the petition within 90 days of the public hearing.
4. After the Planning Commission has made its recommendation, the Town Manager shall forward the petition and any recommendation to the Town Council. The Town Manager shall set the date for and advertise the public hearing on the petition to be held at a scheduled meeting of the Town Council in accordance with § 3.1-431 of the Code of Virginia, as amended.
5. The Town Manager shall review the petition and recommendation of the Planning Commission and shall provide the Town Council with comments and recommendations before its public hearing.
6. Following the public hearing, the Town Council shall move as expeditiously as possible to approve, approve with modifications, or disapprove the petition for approval and amendment to the Town's Comprehensive Plan.

E. Rezoning

1. A petition for rezoning approval and establishment of the planned development district may be filed concurrently with, but not later than six (6) months after the approval of the concept zoning plan and amendment of the Town plan. Failure to file for the rezoning shall nullify approval of the amendment to the Town plan.
2. The petition for rezoning shall be made in accordance with the Town's Zoning Ordinance.

F. Frequency of Applications

No petition for concept zoning plan and amendment of the Town plan shall be considered within one year from the date of the disapproval of a similar petition for all or part of the tract of land.

G. Petitions, Applications, and Supporting Documents

1. A petition for a concept zoning plan and amendment to the Town plan shall be filed in 3 copies on standard forms provided by the Town Manager and accompanied by the appropriate fee. The petition shall include a map of the property and land area within two hundred feet showing:
 - a. The general location and arrangement of proposed uses, including open space and recreational uses;
 - b. The general alignment of major arterials or primary thoroughfares; minor arterials or major thoroughfares; through collector roads; and general alignment of pedestrian ways;
 - c. The location of sensitive and critical environmental features such as but not limited to: wetlands, floodplains, steep slopes, problem soils, etc.;
 - d. The location of sensitive and critical historic resources, including cemeteries;
 - e. The approximate number of dwellings by type and the approximate floor area of nonresidential uses; and,
 - f. Such other information as is necessary and appropriate to show compliance with the goals and objectives of the Town's Comprehensive Plan and § 3.1-447 of the Code of Virginia, as amended.
2. If any portion of the petition is inconsistent with the policies of the Town plan or future land use map, the applicant shall submit proposed amendments to those policies with information showing how the revised policies would better achieve the goals and objectives of the Town plan.
3. A fiscal impact analysis of the petition shall be prepared and filed prior to the Planning Commission public hearing. The Town retains the right to select the consultant who will perform the analysis; however, the cost is to be borne by the applicant.
4. A petition for a concept zoning plan, amendment to the Town plan and a petition for rezoning may be submitted and considered simultaneously, provided the submission requirements for each are met by the respective petitions.

H. Definitions

As used herein, the following terms or words shall have the meanings given below:

Concept Zoning Plan: The plans, maps, writings and other documents required by the Town for purposes of approving said plan and amending the Town plan. Town Plan: The most recent comprehensive plan for the Town adopted pursuant to the Code of Virginia, 1950, as amended.

Article XII Violations and Penalties

§26.1200 - Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint, fully stating the causes and basis thereof, with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by the Ordinance.

§26.1201 - Violation and Penalties

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance or permits any such violation or fails to comply with any of the requirements hereof, or who erects any building or uses any building or any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this Ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine not to exceed \$250.00. Each day upon which such violation continues shall constitute a separate offense. Any building erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this Ordinance shall be and the same is hereby declared to be unlawful. The Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this Ordinance. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this Ordinance. Upon becoming aware of any violation of any provision of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, the Zoning Administrator shall institute such action as may be necessary to terminate the violation. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Article XIII Validity

§26.1300 Separability

Should any section or provision of this Ordinance be adjudged invalid or held unconstitutional, such decision shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so declared to be unconstitutional or invalid.

§26.1301 Interpretation of Conflicts

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

§26.1302 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within thirty (30) days 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.