ARTICLE III: ZONING DISTRICTS
GENERAL RESIDENTIAL DISTRICT R-1

100.0 Statement of Intent

This district is composed of certain quiet, low-density areas plus certain open 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 where there are children, and to prohibit all activities of a non-residential commercial nature. To these ends, development is limited to low concentration; and permitted uses are limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

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

(a) Home Gardens

(b) Single-family dwellings; conventional, site-built, or modular single unit construction only.

(c) Convalescent home, nursing home or home for the aged, with a Special Use Permit.

(d) Family care home, foster home, or group home, with a Special Use Permit.

(e) Schools, public and private.

(f) Churches and other religious institutions, including parish houses and parsonages.
(g) Parks and playgrounds.

(h) Home occupations as defined, with a Special Use Permit.

(i) Off-street parking as required by this ordinance.

(j) Accessory uses and structures permitted as defined; however, garages or other accessory structures such as carports, porches, and stoops attached to the main building shall be considered part of the main building. No accessory use or structure may be closer than three (3) feet to any property line.

(k) Public Utilities; poles, distribution lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, telephone lines, booths and other communication facilities, and street lighting. Transmission lines, transmission towers, and electrical substations are not deemed necessary facilities under this section, and these require a Special Use Permit.

(l) Yard sales and garage sales for the disposal of personal property.

(m) Nursery schools, kindergartens, child care centers, day nursery or day care centers.

100.2 Area regulations.

For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be ten thousand (10,000) square feet.

100.3 For lots containing or intended to contain a single permitted use served by public or individual sewage disposal, the minimum lot area shall be twenty thousand (20,000) square feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

100.4 For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be thirty thousand (30,000) square feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

Setback regulations.

100.5 Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the “setback line.”
Frontage Regulations

100.6 For permitted uses the minimum lot width at the setback line shall be seventy-five (75) feet.

Yard regulations

100.7 The minimum side yard for each main structure shall be ten (10) feet.

100.8 Each main structure shall have a minimum rear yard of twenty-five (25) feet.

Height regulations

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

100.10 The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.

100.11 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.

100.12 No accessory structure which is within twenty (20) feet of an adjoining owner lot line shall be no more than one story high. All accessory structures shall be of less height than the main building on the lot.

100.13 Off-street parking and loading standards and space requirements for particular uses are contained in Section 24.8.

CORNER LOTS

100.14 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.

100.15 The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

RESIDENTIAL DISTRICT R-2

101.0 Statement of Intent

This district is composed of certain quiet, medium-density areas plus certain open 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
courage a suitable environment for family life where there are children, and to prohibit all
activities of a non-residential commercial nature. To these ends, development is limited to
moderate concentration; and permitted uses are limited basically to dwellings providing homes
for the residents plus certain public facilities that serve the residents of the district.

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

(a) Agriculture and home gardens.

(b) Apartments, with a Use Permit.

(c) Boarding houses.

(d) Single-family dwellings; conventional, site-built, single unit construction or modular
housing as defined.

(e) Two-family duplexes and multiple-family dwellings.

(f) Family care home, foster home or group home.

(g) Cemeteries, with a Use Permit.

(h) Churches and other religious institutions, including parish houses and parsonages.

(i) Convalescent homes, nursing homes or homes for the aged.

(j) Home occupations as defined.

(k) Off-street parking as required by this ordinance.

(l) Accessory uses and structures permitted as defined; however, garages or other
accessory structures such as carports, porches and stoops attached to the main
building shall be considered part of the main building. No accessory use or structure
may be closer than three (3) feet to any property line.

(m) Public Utilities: poles, distribution lines, distribution transformers, pipes, meters,
and other facilities necessary for the provision and maintenance of public utilities,
including water and sewerage facilities, telephone lines, booths and other
communication facilities, and street lighting. Transmission lines, transmission
towers, and electrical substations are not deemed necessary facilities under this section, and these require a Special Use Permit.

(n) Signage as provided for in the ordinance.

(o) Yard sales and garage sales for the disposal of personal property.

(p) Nursery schools, kindergartens, child care centers, day nursery or day care centers.

(q) Government offices, with a Special Use Permit.

(r) Double-wide housing as defined.

101.2 Area regulations.

For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be seventy-five hundred (7,500) square feet.

For lots containing or intended to contain a single permitted use served by public or individual water but having individual sewerage disposal, the minimum lot area shall be twenty thousand (20,000) square feet. The required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be thirty thousand (30,000) square feet. The required area for any such use shall be approved by the Health Official. The Administrator may require a greater area if considered necessary by the Health Official.

101.3 Setback regulations.

Structures shall be located twenty-five (25) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or fifty (50) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the "setback line."

101.4 Frontage regulations.

For permitted uses the minimum lot width at the setback line shall be sixty (60) feet.

101.5 Yard regulations.

The minimum side yard for each main structure shall be ten (10) feet. Each main structure shall have a minimum rear yard of twenty-five (25) feet.
101.6 Height regulations.

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

101.6.1 The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories provided each side yard is ten (10) feet, plus one (1) foot of side yard for each additional foot of building height over thirty-five (35) feet.

101.6.2 Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flag poles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.

101.6.3 No accessory structure which is within twenty (20) feet of an adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than the main building on the lot.

101.6.4 Off-street parking and loading standards and space requirements for particular uses are found in parking requirements.

101.7 Corner lots.

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.

The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

MANUFACTURED HOUSING R-3

201.0 Statement of intent.

The purpose of this district is to provide for manufactured housing at moderate low-densities in subdivisions or park developments together with such churches, recreational facilities, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. Agricultural and open uses are permitted, but in general, urbanization is planned and utilities and public services exist or are planned which will be adequate for the type or types of development contemplated.

201.1 Regulations.

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

(a) Single-family dwellings, conventional, site-built, single unit construction, modular housing as defined, or double-wide housing as defined.
(b) Manufactured and/or modular housing. No more than three (3) manufactured housing units may be placed on lots with adjoining property lines except as allowed in this ordinance. Property separated only by streets, roads and other rights-of-way shall be considered adjoining properties for the purpose of this section. Four (4) or more manufactured housing units shall constitute a manufactured housing park.

(c) Manufactured housing parks subject to the design standards of this section.

(d) Cemeteries with a Special Use Permit.

(e) Churches and other religious institutions, with parish houses and parsonages.

(f) Convalescent homes, nursing homes or homes for the aged with a Special Use Permit.

(g) Family care homes, foster homes or group homes with a Special Use Permit.

(h) Public utilities: poles, distribution lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities, telephone lines, booths and other communication facilities, and street lighting. Transmission lines, transmission towers, and electrical substations are deemed necessary facilities under this section, and these require a Special Use Permit.

(i) Home occupations as defined.

(j) Nursery schools, kindergartens, child care centers, day nursery, or day care centers.

(k) Radio or television transmission or receiving tower.

(l) Signage as provided in this ordinance.

(m) Agriculture.

(n) Yard sale or garage sale for disposal of personal property.

(o) Accessory uses and structures permitted as defined; however, garages or other accessory structures such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory use or structure may be closer than three (3) feet to any property line.

201.2 Area regulations.

For lots containing or intended to contain a single permitted use served by public water and sewer, the minimum lot area shall be six thousand (6,000) square feet, with a minimum lot width of fifty (50) feet and a minimum lot depth of one hundred (100) feet.
For lots containing or intended to contain a single permitted use served by public water but having individual sewerage disposal, the minimum lot width of one hundred (100) feet and minimum lot depth of one hundred fifty (150) feet.

For lots containing or intended to contain a single permitted use served by individual water and sewerage systems, the minimum lot area shall be thirty thousand (30,000) square feet, with a minimum lot width of one hundred fifty (150) feet, and minimum lot depth of two hundred (200) feet. The required area for any such use shall be approved by the health official. The Administrator may require a greater area if considered necessary by the health official.

201.3 Setback regulations.

Structures shall be located twenty (20) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or sixty (60) feet or more from the center of any street right-of-way less than fifty (50) feet in width. This shall be known as the “setback line”.

201.4 Yard regulations.

The minimum side yard for each main structure shall be seven (7) feet. Each main structure shall have a minimum rear yard of twenty (20) feet.

201.5 Special Regulations for Manufactured Housing Parks.

The following provisions apply to the creation and expansion of manufactured housing parks.

(a) The park shall contain not less than two contiguous acres and shall be under single ownership or control, except that minimum area may be one acre where the proposed park is to be located adjacent to an existing manufactured housing park containing an area of one acre or more.

(b) The minimum width and minimum depth for a manufactured housing park shall be 200 feet.

(c) A portion of a manufactured housing park consisting of not more than 25 percent of the area of the park may be designated for temporary parking of boats or other recreational vehicles for storage purposes.

(d) The overall density of the manufactured housing park shall not exceed seven (7) units per gross acre and the net density of any particular acre within such park, whether used for manufactured housing or storage, shall not exceed ten (10) units per acre. Land subject to flooding or otherwise unsuitable for residential use shall be excluded from density computations.

(e) Manufactured and/or modular housing units shall be placed no closer than fifteen (15) feet from any property line or manufactured housing site line, and none shall occupy more than twenty-five (25%) percent of the area of the site on which it is situated. A
minimum of thirty (30) feet shall be maintained between manufactured and/or modular housing units. The minimum width for each site shall be 2.5 times the width of the manufactured and/or modular housing unit, or fifty (50) feet, whichever is greater. Minimum site widths shall be measured at right angles to the long axis of the site at the setback line or rear of the parking stand, whichever is less. No more than one manufactured and/or modular housing unit shall be parked on any one site and no manufactured housing sites shall be offered for sale or sold. Once established, no manufactured housing park shall be subdivided. Minimum site area for travel trailer or camper sites shall be 2,000 square feet.

(f) The manufactured housing park shall comply with all sanitary and other requirements prescribed by law or regulations. Each manufactured housing site shall be provided with individual water and sewer connections to central sewer and water systems designed to serve the entire manufactured housing park.

(g) The park owners shall provide at least two (2) refuse containers of the type and size prescribed by the Administrator or each manufactured and/or modular housing unit located in the park. A central refuse collection enclosure shall be placed in a location prescribed by the Administrator for disposal and collection of park refuse. One (1) such enclosure is required for each seven (7) manufactured and/or modular housing units. The enclosure shall be completely screened from view with a latching gate.

(h) Each manufactured housing site shall be provided with electrical outlets installed in accordance with applicable Codes and ordinances.

(i) No manufactured and/or modular housing units shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 15 feet from any other accessory building.

(j) Access to the manufactured housing park shall not be from a public street or road having less than a forty (40) foot wide right-of-way. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and no manufactured housing space shall be designed for direct access to a street outside the boundaries of the park. Interior access drives shall be properly lighted at 250 foot intervals and at least 50 feet in width, hard surfaced and curved and maintained at least 20 feet in width in accord with applicable Town specifications. Turning radius at the end of a cul-de-sac shall be a minimum of 35 feet.

(k) At least two (2) off-street hard-surfaced parking spaces shall be provided on each manufactured housing site, and in addition one off-street parking space shall be provided per manufactured and/or modular housing unit in other locations convenient to groups of homes. Additional parking area shall be designated for accessory storage of boats, boat trailers, or other recreational vehicles. No parking shall be permitted on the street.

(l) The topography of the site shall be such as to facilitate drainage and adequate drainage facilities shall be provided.
(m) The overall design shall evidence a reasonable effort to preserve the natural amenities of the site, particularly mature trees.

(n) Each manufactured housing park shall provide not less than one multiple purpose developed recreational area of at least 2,500 square feet in area for the use of occupants of the park.

(o) Any part of the manufactured housing park not used for buildings or other structures, off-street parking, recreational uses, drives and pedestrian walks, garbage and trash collection stations or other uses shall be planted with appropriate ground cover, trees, flowers, shrub and grass lawns, all of which shall be properly maintained. Where no trees exist, at least two shade trees shall be planted and properly maintained on each manufactured unit site. The area of the park which abuts any public street or road or any other developed property shall be planted in row trees, hedges or other shrubbery sufficient to afford privacy to the park occupants and adjoining property owners. The owner(s) of the park shall at all times maintain these plantings in good order and appearance. Such plantings shall provide cover at least five (5) feet from grade.

(p) The park owner shall require and the unit owner shall insure that open space beneath each manufactured and/or modular housing unit shall be skirted with approved material in accordance with the requirements of the Administrator.

(q) Corners for each manufactured housing site shall be clearly defined by permanent ground markers corresponding to the approved site plan.

(r) No manufactured housing park existing at the effective date of these regulations shall be enlarged or extended unless the enlargement area is in compliance with all requirements for a new manufactured housing park. Manufactured and/or modular housing units may be added within the established boundaries of an existing manufactured housing park so long as the overall density within said boundaries does not exceed seven (7) units per gross acre.

(s) Buildings and uses not related to the manufactured housing park, but located within the park boundary, shall comply with the provisions of this ordinance inclusive.

(t) A site plan of the proposed park shall be submitted for review and approval to the Administrator. The Administrator shall submit said plan to the council for its recommendations.

201.6 Corner lots.

Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

The side yard on the side facing the side street shall be at least 20 feet for both main and accessory structures.
201.7 **Height regulations.**

Buildings may be erected up to 35 feet in height from grade except that:

The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.

Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles, television antennae and radio aerials, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest. Satellite dishes shall be placed in the rear yard.

No accessory structure which is within 20 feet of any adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than that of the main buildings on the lot.

Off-street parking and loading standards and space requirements for particular uses are herein contained.

**TRAVEL BUSINESS DISTRICT C-1**

301.0 **Statement of intent.**

Travel Business District C-1 is intended to encompass the traveler and automobile services area adjacent to Route 58.

301.1 **Use regulations.**

In Travel Business District C-1, structures to be erected or land to be used shall be used for uses such as the following:

1. Accessory storage buildings (there shall be no permanent open air storage/display outside of the principal structure unless the display is under the cover of a canopy).

2. Automobile service stations: All appliances for dispensing gasoline installed outside of enclosed buildings shall be located not less than twenty-five feet from the street line, and all such appliances shall be installed and maintained in such location as to prevent any part of vehicles being serviced from standing on the street, alley or sidewalk area.

3. Automobile and truck sales (with services and repairs under cover).

4. Retail and convenience stores.
(5) Fast food restaurants.
(6) Fences.
(7) Hotels, motels.
(8) Laundries, Laundromats and dry cleaners.
(9) Machinery sales and services (with services and repairs under cover).
(10) Magazine and newsstands.
(11) Office buildings.
(12) Off-street parking.
(13) Professional and public offices
(14) Public garages.
(15) Public utilities; including poles underground lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems, electrical systems, telephone, cable television, and street lights to serve inhabitants of the town.
(16) Radio or television broadcasting stations, studios or offices.
(17) Recreation centers.
(18) Restaurants.
(19) Shoe repair shops.
(20) Signs.
(21) Theaters, assembly halls.
(22) Variety stores.
(23) Video stores.
(24) Wearing apparel stores.
(25) The following uses are permitted by special use permits only:
   (a) Shopping centers.
301.2 Area regulations.
None.

301.3 Setback regulations.
None, except that any residential use in this district shall be located twenty feet from any street or highway right-of-way; however, no residential use shall be required to set back more than the average of the two buildings on either side of such use.

301.4 Frontage and yard regulations.
No requirement, except that should a side or rear yard be adjacent to a residential district, the minimum side or rear yard shall be twenty feet.

301.5 Height regulations.
(a) Buildings may be erected up to thirty-five feet in height from grade.

(b) Cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flagpoles, private unlicensed residential television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

301.6 Coverage regulations.
Buildings or groups of buildings with their accessory structures may cover up to, but not more than, thirty-five percent of the area of the lot.

301.7 Requirements for permitted uses.
(a) Before a zoning permit shall be issued or construction begun on any permitted use in this district, detailed site plans indicating compliance with the provisions of this chapter and in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study.

(b) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by structures such as, but not limited to, a solid masonry wall, a uniformly painted solid board fence, or an adequate evergreen hedge. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

(c) Landscaping shall be required within any yard area when adjacent to a residential district. The plans and execution must take into consideration traffic hazards.
Landscaping shall be permitted up to a height of three feet within twenty feet from the corner of any intersecting streets.

301.8 Architectural treatment.

If the parcel of land is less than one acre, all main buildings erected on the parcel shall be designed so as to have the main entrance face a publicly dedicated street, provided the parcel borders a publicly dedicated street. Corner lots may face any of the public streets which border the property.

COMMUNITY BUSINESS DISTRICT C-2

401.0 Statement of Intent.

The Community Business District C-2 is intended to provide small business areas to serve the surrounding residential neighborhoods while preserving the essential residential and historical character of this area. Such uses and business activities permitted in this district shall insure that there is compatibility with surrounding residential neighborhoods, and shall have a minimum visual impact by preserving the historic and residential characteristics of the town. Uses permitted shall consist primarily of retailing, personal service, and office uses carried on inside, primarily during daytime hours, and not frequented by trucks other than deliveries. Outside displays and storage, congregation of people, outside business activities, extensive visible parking facilities, and offensive lighting, noise and odors are discouraged.

401.1 Use regulations.

In Community Business District C-2, structures to be erected or land to be used shall be used for uses that are appropriate to the existing historic structures and landscape such as the following:

1. Bakeries, where products are sold at retail on the premises.
2. Banks.
3. Barber and beauty shops.
4. Family game and billiard parlors.
5. Book stores.
6. Cab stands and bus stops for the pickup and discharge of passengers.
7. Churches.
8. Church bulletin boards and identification signs.
9. Drugstores.
10. Fences.
11. Service clubs and lodges.
12. Funeral homes.
13. Furniture stores.
14. Gift, record, tobacco, and specialty shops.
15. Small neighborhood grocery stores.
16. Hardware stores.
17. Bed and breakfasts, and inns.
18. Household appliance sales and services.
19. Laundries, laundromats, and dry cleaners.
21. Small machinery sales and services (with services and repairs within structures).
22. Magazine and newsstands.
23. Museums and interpretive centers.
24. Office supply and equipment.
25. Off-street parking.
26. Plumbing and electrical supply (with storage within structures)
27. Professional and public offices.
28. Public utilities; including poles, underground lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems, electrical systems, telephone, cable television, and street lights to serve inhabitants of the town.
29. Radio or television broadcasting stations, studios or offices.
30. Recreation centers.
(31) Restaurants (not including restaurants with drive-thru service).

(32) Shoe repair shops.

(33) Signs.

(34) Variety stores.

(35) Video stores.

(36) Wearing apparel stores.

(37) Xerographic reproduction and printing establishments.

(38) The following new uses are permitted by special use permits only:

   (a) Single-unit and multiple-unit apartments on the upper floors and at the rear of a
       building used for commercial purposes in the Business C-2 District.

(39) Existing Single-family dwellings used for residential purposes in the Business
     District may remain as proper permitted uses without a special use permit or
     variance.

401.2 Setback regulations.

   (a) Building setbacks shall align with the existing setback of adjacent buildings on either
       side. Where the setbacks of such buildings differ, the setback of either existing
       building or a point in between may be selected in the historic district provided it is
       consistent with maintaining the character of the historic streetscape as recommended
       and approved by the Town Council.

   (b) Building setbacks on streets shall be twenty feet from the street right-of-way.

401.3 Frontage regulations.

   All lots shall have the minimum required frontage. No flaglots shall be permitted.

401.4 Yard regulations.

   (a) The minimum side yard shall be five feet.

   (b) Should a side or rear yard be adjacent to a residential district, the minimum side or
       rear yard shall be twenty feet.

401.5 Height regulations.
Town of St. Paul Zoning, Subdivision & Floodplain Ordinance

(c) Buildings may be erected up to the average height of adjacent buildings on the block or a maximum of thirty-five feet in height from grade.

(d) Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flagpoles, private unlicensed residential television antennae and radio aerials are exempt. Parapet walls may be up to four feet above the height of the building on which the walls rest.

401.6 Coverage regulations.

(a) Buildings or groups of buildings with their accessory structures may cover up to, but not more than, twenty-five percent of the area of the lot.

(b) Total lot coverage by impervious and all-weather surfaces, including buildings, structures, paving and other similar surfaces, may be up to, but not more than, sixty percent of the area of the lot.

Requirements for permitted uses.

(a) Before a zoning permit shall be issued or construction begun on any permitted use in this district, detailed site plans indicating compliance with the provisions of this chapter and in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study.

(b) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by structures such as, but not limited to, a solid masonry wall, a uniformly painted solid board fence, or an adequate evergreen hedge. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.

(c) Landscaping shall be required within any yard area and in any area not covered by buildings or paving. The plans and execution must take into consideration traffic hazards. Landscaping shall be permitted up to a height of three feet and to within twenty feet from the corner of any intersecting streets.

(d) Sufficient area shall be provided:

(1) To adequately screen permitted uses from adjacent business and residential districts; and

(2) For off-street parking of vehicles incidental to the establishment, its employees and clients.
HISTORIC BUSINESS DISTRICT C-3

501.0 Statement of intent.

Historic Business District C-3 is intended to encompass the major retailing area and to provide for the orderly expansion of the business in the town in a manner consistent with the goal of promoting the appropriate reuse of existing historic buildings and reinforcing the historic character of the town. Historic Business District C-3 should provide a framework for a strong business community, in which each business can enhance other businesses and where amenities and services appropriate to the successful adaptive reuse of existing buildings can be provided.

501.1 In Historic Business District C-3, structures to be erected or land to be used shall be used for uses that are appropriate to the existing historic structures and landscape such as the following:

(1) All C-1 Business District uses.

(2) Accessory residential apartments for business owners or managers of the business.

(3) Home occupations.

(4) Retail business or service establishments, except those located entirely within a building, such as: barber and beauty shops, clothing apparel and shoe stores, laundry services, hardware, furniture or appliance services, florists, drugstores, bakeries and confectionery shops.

(5) Antique shops.

(6) Apparel and shoe alteration and repair shops.

(7) Art and photographic shops.

(8) Auto and truck parts stores.

(9) Business and professional offices.

(10) Banks, financial institutions and real estate offices.

(11) Food and convenience stores, without fuel sales.

(12) Day care centers and nurseries.
HEAVY INDUSTRIAL DISTRICT I-1

Statement of intent.

Pursuant to the purposes of this ordinance, the intent of the I-1 Heavy Industrial District is to provide appropriate locations for heavy industrial and manufacturing uses, as well as related service, support and business uses, which are not appropriately situated in the Light Industrial District and which may result in greater amounts of smoke, noise, odor or dust than typically associated with uses permitted in light industrial and business districts. The I-1 District is intended to accommodate those uses which, although not generally appropriate in other districts or in close proximity to residential, business or other industrial areas, are nonetheless important to the economic well-being of the town, provide desirable employment opportunities, enhance economic development potential and enlarge the tax base. The yard, separation, screening, special use and other requirements of the district are designed to promote compatibility of development and to provide protection for other uses and for the community as a whole.

RESERVED
LIGHT INDUSTRIAL DISTRICT I-2

601.0 Statement of intent.

The primary purpose of this district is to permit certain industries, which do not in any way detract from residential desirability, to locate in areas adjacent to residential uses. The limitations on (or provisions relating to) height of building, horsepower, heating, flammable liquids or explosives, controlling emission of fumes, odors, and/or noise, landscaping, and the number of persons employed are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

601.1 In Industrial District I-2, any structure to be erected or land to be used shall be for one (1) or more of the following uses:

(a) Assembly of electrical appliances, electronic instruments and devices. Also the manufacture of small electronic components.

(b) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire recapping, battery or automotive parts manufacture.

(c) Blacksmith shop, welding or machine shop, excluding punch presses exceeding forty (40) ton rated capacity and drop hammers.

(d) Boat building.

(e) Building material sales yards, plumbing supplies storage, lumber mills.

(f) Cabinets, furniture, and upholstery shops.

(g) Coal and wood yards, lumber yards.

(h) Contractors’ equipment storage yards or plants, or rental of equipment commonly used by contractors.

(i) Junk storage under cover, with a Special Use Permit.

(j) Laboratories-Pharmaceutical and/or medical.

(k) Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth,
cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell straw, textiles, wood, yarn, and paint.

(l) Manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet water, toiletries, food products, and ice manufacture.

(m) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(n) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.

(o) Monumental stone works.

(p) Veterinary or dog or cat hospital, kennels.

(q) Wholesale businesses, storage warehouses.

(r) Off-street parking as required by this ordinance.

(s) Public utility generating, booster, or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.

(t) Signage as provided in this ordinance.

(u) Activities or uses permitted in District C-2, where differences in the permitted activities or uses occur, the more restrictive shall apply.

(v) Radio, telephone and television transmission or receiving station or tower; tower more than 100 feet in height to be granted by a Special Use Permit.

601.2 Requirements for Permitted Uses.

Before a building permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for their recommendations. Modification of the plans may be required.

Landscaping may be required within any established or required front setback area. The plans
and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets.

Sufficient area shall be provided (a) to adequately screen permitted uses from adjacent business and residential district and (b) for off-street parking of vehicles incidental to the industry, its employees, and clients.

The Administrator shall act on any application received within sixty (60) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

601.3 Area regulations.

No area regulations shall apply to this district, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be approved by the health official.

601.4 Setback regulations.

Buildings shall be located ten (10) feet or more from any street right-of-way which is (50) feet or greater in width or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width, except that signs advertising sale or rent of premises may be erected up to the property line. This shall be known as the "setback line."

601.5 Frontage and Yard regulations.

For permitted uses, the minimum side or rear yard immediately adjoining or adjacent to a residential district shall be twenty-five (25) feet. This requirement shall not apply where residential districts are separated from commercial districts by a public street or right-of-way having a minimum width of thirty (30) feet.

601.6 Height regulations.

Buildings may be erected up to a height of thirty-five (35) feet. For buildings over thirty-five (35) feet in height, approval shall be obtained from the Administrator. Chimneys, flues, cooling towers, flag poles, radio or communication towers, or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the limited height of the building on which the walls rest.

601.7 Coverage regulations.

Buildings or groups of buildings, with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.
PUBLIC LAND DISTRICT P-1

701.0 Purpose.

Public Land District regulations govern the location, intensity, and method of development of most publicly owned or publicly maintained land within the Town of St. Paul. Public land uses have been grouped into one (1) zoning classification:

P – Public Land District

701.1 Description of district.

The Public Land District is intended to provide for the zoning and common classification of most publicly owned land within the Town of St. Paul. Public land may be zoned within this district or may be allowed within other districts established in this Ordinance depending upon specified use regulations. No privately owned property or structures are allowed within the Public Land District.

701.2 Permitted uses.

Permitted uses of land or buildings, as hereinafter enumerated, shall be permitted in the Public Land District only in accordance with conditions specified. Only those uses specifically listed hereunder shall be considered permitted uses, and no building or lot shall be devoted to any use other than a use permitted hereunder, with the exception of uses lawfully established prior to the effective date of this Ordinance.

1. PUBLIC EDUCATION AND UTILITY USES
   a. Public Elementary Schools
   b. Public Fire Stations
   c. Public Garages or Parking lots
   d. Public High Schools
   e. Public Libraries
   f. Public Museums
   g. Public Office Buildings
   h. Public Parks and Playgrounds
   i. Public Police Stations

2. RECREATION AND SOCIAL FACILITIES
   a. Public Athletic Fields
   b. Public Camps; day or youth
   c. Public Auditoriums or Arenas

3. MISCELLANEOUS USES
   a. Publicly owned property and structures used for public purpose
ARTICLE IV: SECTION 13
NONCONFORMING USES

13.1 If at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure is being legally utilized in a manner or for the purpose which does not conform to the provisions of this ordinance, such manner of use or purpose may be continued as herein provided.

13.2 If any change in title of possession, or renewal of a lease of any such lot or structure occurs, the use existing may be continued.

13.3 If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this ordinance. Intent to resume active operations shall not affect the foregoing.

13.4 Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance may be continued as herein provided.

13.5 All dwellings and their accessory structures erected prior to the enactment of this ordinance shall be exempt as to area, setback, frontage and yard regulations if their present owners so desire.

Permits,

13.6 All nonconforming uses shall be issued a Zoning Permit and a Certificated of Occupancy within one hundred eighty (180) days after the adoption of this ordinance.

13.7 The construction or use of a nonconforming building or land area for which a permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, or such use of land established within thirty (30) days after the effective date of this ordinance.
Repairs and Maintenance.

13.8 On any building in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure provided that the cubic content of the structure as it existed at the time of passage or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Changes in District Boundaries.

13.9 Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this section.

Expansion or Enlargement.

13.10 A nonconforming structure to be extended or enlarged shall conform with the provision of this ordinance.

13.11 A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance.

Nonconforming Lots

13.12 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 provided a showing of unnecessary and undue hardship would result if a variance is not granted from the Board of Zoning Appeals.

Restoration or Replacement.

13.13 If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity or structure, it shall be restored only if such use complies with the requirements of this ordinance.

13.14 If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the requirements of this ordinance.

13.15 When a nonconforming structure devoted to a nonconforming activity is damaged less
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than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, either may be repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

13.16 The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

13.17 Nothing in this ordinance shall require any change in the plans or construction of any building or structure for which any required permit from appropriate local authority was granted, provided that such construction must commence within thirty (30) calendar days after the effective date of this ordinance and must be completed within a period of one (1) year after construction is initiated. Excavation or site preparation in contemplation of construction shall not satisfy the provisions of this section. Where the placement of a manufactured housing unit is involved, placement must occur as specified by permit within thirty (30) days of the effective date of this ordinance. Where the expansion of an existing manufactured housing or mobile home park is involved, or where a new manufactured housing or mobile home park is involved, at least three (3) such units must be placed as permitted within thirty (30) days of the effective date of this ordinance. Failure to comply with the provisions of this section within the periods specified shall void all permits which may have been issued hereto, and all uses or activities shall be governed by the provisions of this ordinance.
ARTICLE V: SECTION 14
ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

14.1 Buildings or structures shall be started, reconstructed, enlarged, or altered only after a Zoning Permit has been obtained from the Administrator.

14.2 The commission may request a review of the Zoning Permit approved by the Administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

14.3 Each application for a Zoning Permit shall be accompanied by three (3) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building 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. Scale drawings shall not be required if the exterior of all buildings remain unchanged.

14.4 Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a Certificate of Occupancy has been issued by the Administrator. Such a permit shall state that the building or the proposed use, or the use of land, complies with the provisions of this ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A Certificate of Occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a Zoning Permit. The Certificate of Occupancy 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.

14.5 No public utility or other entity providing electricity, natural gas, water, sanitary sewage disposal or other similar services within the Town shall make such available prior to the issuance of a Zoning Permit. Such services shall not be made permanent unless pursuant to a Certificate of Occupancy.

14.6 If in any district established under this ordinance, a use is not specifically permitted and
an application is made by a property owner to the Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendations to the Town Council within sixty (60) days. If the recommendation of the Planning Commission is approved by the Town Council, the ordinance shall be amended to list the use as a permitted use in that district, henceforth. Both the Planning Commission and the Town Council shall hold a public hearing in connection with this after advertising according to Sec. 15.1-431 of the Code of Virginia.

Future Annexation.

14.7 Any area annexed by the Town of St. Paul, after the effective date of this ordinance, shall immediately upon the effective date of such annexation be automatically classified as an R-1 district until a zoning plan for said area has been adopted by the Town Council. The Planning Commission shall prepare and present a zoning plan of the annexed area within six (6) months to the Town Council.

Landscape Features.

14.8 On any corner lot in a residential district, there shall be no planting, structure, fence, retaining wall, shrubbery, or obstruction to vision more than three (3) feet higher than the curb level within the triangle formed by the street right-of-way lines and a line connecting said street lines twenty-five (25) feet from their intersection. On any corner lot in a commercial or industrial district, no building or obstruction shall be permitted between a height of one (1) foot and a height of ten (10) feet higher than the curb level within the triangle formed by the street right-of-way line and a line connecting said street lines five (5) feet from their intersection.

Trees, shrubs, flowers, or plants shall not be permitted or maintained on any required front, side, or rear yard, if they interfere with the safe use of the public street or sidewalk. Said landscape features shall be permitted in any required front, side, or rear yard, provided they do not interfere with public safety and do not produce a hedge effect contrary to provisions of this ordinance.

14.9 The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four (4) feet high. However, a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding eight (8) feet. This provision shall not be deemed to allow any wall or fence more than three (3) feet high as defined in this section. Also, this provision shall not be interpreted to prohibit any open mesh type fence enclosing any school or playground.
ARTICLE VI: SECTION 15
BOARD OF ZONING APPEALS

Membership and Organization.

15.1 Establishment of Board; membership. Pursuant to the provisions of section 15.2-2308 of the Code of Virginia, 1950, as amended, a Board of Zoning Appeals is hereby created which shall consist of five (5) members who shall be residents of the town and shall be appointed by the Circuit Court. One (1) of the members of the Board shall be appointed from among the members of the County Planning Commission. The terms of the members of the Board, reappointments, the filling of vacancies and procedures for the removal of members shall be as set forth in section 15.2-2309 of the Code of Virginia, 1950, as amended.

15.2 Officers. The Board of Zoning Appeals shall elect from among its members a chairman, a vice chairman, who shall serve in the absence of the chairman, and a secretary, all of whom shall serve annual terms and may succeed themselves.

15.3 Staff and Support Services. With the approval of the Town Council and within the limits of funds that may be appropriated for such purposes, the Board of Zoning Appeals may employ or contract for such clerical technical or legal services necessary for its to carry out its responsibility.

Procedures.

15.4 Adoption of Rules. The Board of Zoning Appeals shall adopt rules necessary for the conduct of its affairs in keeping with the applicable provisions of this article and the provisions of title 15.2 of the Code of Virginia, 1950, as amended. Copies of such rules shall be available to the public.

15.5 Forms for Applications and Appeals. The Board of Zoning Appeals shall see that forms necessary for applications and appeals are available, which forms shall be provided to applicants by the Zoning Administrator.

15.6 Meetings. The Board of Zoning Appeals shall, in accordance with its rules, schedule regular meetings which shall be open to the public. The Board may also hold such special meetings as it deems necessary in accordance with its rules.
15.7 **Public hearings.** The Board shall make no decision on any application or appeal until it has conducted a public hearing after giving public notice as required by the provisions, of section 15.1-431 of the Code of Virginia, 1950, as amended, which provisions shall be incorporated within or attached to the rules of the board.

15.8 **Quorum.** A quorum of not less than a majority of all members of the Board shall be required for the conduct of any hearing and the taking of any action.

15.9 **Records.** The Board of Zoning Appeals shall keep minutes of its proceedings, including the vote of each member on each question, and shall keep records of its official actions. Minutes and records shall be filed in the office of the Board. The Board shall submit an annual report of its activities to the Town Council.

15.10 **Appeals.** The Board of Zoning Appeals shall have the power to hear and decide appeals from any order, requirement, decision or determination made by the Zoning Administrator or any other Administrative Officer in the administration or enforcement of this Ordinance.

15.11 **Variance**

(1) The Board of Zoning Appeals shall have the power to authorize upon application in specific cases, such variance as defined in Section 15.1-430 (p) of the Code of Virginia, 1950, as amended, from the terms of this Ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, provided that the spirit of this Ordinance shall be observed and substantial justice shall be done.

(2) No variance shall be authorized by the Board unless a property owner can show to the satisfaction of the Board that:

(a) The property was acquired in good faith;

(b) By reason of this exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of this Ordinance or subsequent amendment thereto, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece or property or of the condition, situation or development of property immediately adjacent thereto, strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the utilization of the property; or that the granting of the variance requested will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

(3) No variance shall be authorized by the Board unless it finds from the evidence presented that:
(a) Such variance will be in harmony with the intended spirit and purpose of this Ordinance;

(b) The strict application of this Ordinance would produce undue hardship, and that such hardship is not shared generally by other properties in the same zoning district will not vicinity as the subject property;

(c) 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;

(d) The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Town Council as an amendment to this Ordinance;

(e) The variance will not include a departure from the use regulations set forth in this Ordinance.

(4) In the authorization of a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be satisfied.

15.12 Interpretation of Official Zoning District Map. The Board of Zoning Appeals shall have the power to hear and decide applications for interpretation of the official zoning district map where there is any uncertainty as to the location of a district boundary, and where the rules for the interpretation of district boundaries set forth in Article 2 in this Ordinance do not satisfactorily resolve such uncertainty. After notice to the owners of the property affected by any such question, and after public hearing with notice as required, the Board may interpret the map in such way as to carry out the intent and purpose of this Ordinance for the particular section or district in question. The Board shall not have the power to change substantially the locations of district boundaries established by this ordinance.

15.13 Prohibition on Rezoning of Property. No provision of this article shall be construed as granting the Board of Zoning Appeals the power to rezone property, which power shall be vested in the Town Council.

15.14 Appeal Procedure.

(a) An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, Board or Bureau of the county affected by any decision of the Zoning Administrator or by any order, requirement, decision or determination made by any other Administrative Officer in the Administration or enforcement of this Ordinance.
(b) An 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. Copies of the notice of appeal shall also be submitted to any other individual, officer, department or agency involved in the appeal. The Zoning Administrator shall forthwith transmit to the Board all papers and other materials constituting the record upon which the action appealed from was taken.

(c) 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 or her 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 with notice to the Zoning Administrator, and for good cause shown.

15.15 Applications for Variances and Interpretations of the Official Zoning District Map.

(a) Applications for variances and interpretation of the official zoning district map may be made by any property owner, tenant, government official, department board or bureau on forms provided for such purpose by the Board of Zoning Appeals.

(b) Applications shall be submitted to the Zoning Administrator in accordance with rules adopted by the Board. The Zoning Administrator shall transmit all applications and accompanying maps and documents to the Secretary of the Board who shall place the matter on the docket of the Board. The Zoning Administrator shall also transmit copies of all applications to the Town Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.

(c) Substantially the same application for a variance, special exception or interpretation of the official zoning district map which has been decided by the Board shall not be considered again by the Board within twelve (12) months of the date of its decision, except that the Board may, pursuant to its rules, reconsider an application if it finds that new or additional information is available which would have a direct bearing on the case and which could not reasonably have been presented at the initial hearing.

15.16 Public Hearings and Decisions.

(a) The Board of Zoning Appeals shall fix a reasonable time for the hearing of an application of appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within ninety (90) days of filing of the application of appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from.

(b) The concurring vote of not less than three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of an
Administrative Officer, or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance, or to effect any variance from the provisions of this Ordinance.

(c) The Chairman of The Board or in his or her absence the acting Chairman may administer oaths and compel the attendance of witnesses.

15.17 Expiration of Variance or Special Exception.

A variance or special exception granted by the Board of Zoning Appeals shall lapse and be of no effect if, after the expiration of one (1) year from the date of such action by the Board, no construction or change in use pursuant to such variance or special exception has taken place, provided that the Board may, for good cause shown, specify a longer period of time in conjunction with its action to grant variance or special exception.

15.18 Amendment of Variance of Special Exception.

The procedure for amendment of a variance or special exception granted by the Board of Zoning Appeals, including any changes in the conditions attached thereto, shall be the same as for a new application.

15.19 Enforcement of Decisions.

Decisions of the Board of Zoning Appeals shall be administered and enforced by the Zoning Administrator. Noncompliance with any action, taken by the Board, including conditions imposed by the Board, shall constitute a violation of the provisions of this Ordinance.

15.20 Appeals from Decisions of the Board.

Appeals from decisions of the Board of Zoning Appeals shall be presented to the Circuit Court of the County in accordance with the procedures set forth in section 15.1-497 of the Code of Virginia, 1950, as amended. Any person of persons jointly of severally aggrieved by any decision of the Board, or any taxpayer of any officer, department, Board or Bureau of the County may present to the Circuit Court a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the Office of the Board.

15.21 Fees.

A filing fee in such amount as established by general rule by the Town Council shall be submitted with each appeal to the Board of Zoning Appeals and each application for a variance, special exception or interpretation of the official zoning district map
ARTICLE VII: SECTION 16
CONDITIONAL ZONING

16.1 Purpose. Where competing and incompatible uses conflict, traditional zoning methods and procedures are sometimes inadequate. In such cases, more flexible and adaptable zoning methods are needed to permit differing land uses and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section to provide a zoning method as authorized under Sec. 15.1-491, Code of Virginia 1950, as amended, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though said conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner or operator, and the provisions of this section shall not be used for the purpose of discrimination in housing.

16.2 Proffer in writing. As a part of a petition for rezoning or amendment of the zoning district map the owner or owners of the property involved may, prior to a public hearing before the Town Council, voluntarily proffer in writing such reasonable conditions, in addition to the regulations provided for the zoning district or districts as herein set forth, as he deems appropriate for the particular case; provided that:

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

16.3 For the purpose of this Ordinance, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations, and/or other demonstrative materials. Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner or owners of the subject property: “I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.”

16.4 Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

16.5 Review and revision of proffered conditions. Additional conditions or modified conditions may be proffered by the applicant during or subsequent to the public hearing before the Town Council, provided however that after proffered conditions are signed and made available for public review and the public hearing before the Town Council has been advertised (whether or not jointly held with the Planning Commission) no change or modification to any condition shall be approved without a second advertised public hearing thereon.

16.6 After the Town Council public hearing has been advertised or commenced, should additional or modified conditions be proffered by the applicant, which conditions were discussed at the public hearing before the Town Council, then a second public hearing need be held only before the Town Council before the application and modified conditions can be approved.

16.7 Should additional conditions be proffered by the applicant at the time of the public hearing before the Town Council, which conditions were not addressed at the public hearing before the Planning Commission, or if the proffered conditions are modified beyond the scope of any conditions considered at the public hearing before the Planning Commission, the application shall be the subject of a second public hearing before both the Planning Commission and the Town Council, which hearing may be either separately or jointly held.

16.8 Annotation of zoning district map. The zoning district map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. Such conditions shall become a part of the zoning regulations applicable to the property in question, regardless of changes in ownership or operation, unless subsequently changed by an amendment to the zoning district map, and such conditions shall be in addition to the specific regulations set forth in this Ordinance for the zoning district in question.

16.9 Enforcement of conditions. The Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to such rezoning or amendment to the zoning district map, including: (a) the ordering in writing of the
remedy of any noncompliance with such conditions; (b) the bringing of legal action to insure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and (c) requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor’s guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the Town Council, or agent thereof, upon submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Provided, further, that failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

16.10 **Conformity of development plans.** Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered statements, plans, profiles, elevations, or other demonstrative materials, and no development shall be approved by any Town official in the absence of said substantial conformity. For the purpose of this section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment to final engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials presented by the applicant.

16.11 **Change of approved conditions.** Once conditions have been approved, and there is cause for an amendment which would not be in substantial conformity with the proffered conditions, then an application shall be filed for an amendment. If the amendment concerns an approved site plan, such application shall include the submission requirements for a site plan set forth in this Ordinance, except that the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the site plan amendment application. Such amendment shall be the subject of public hearing in accordance with the requirements for a new application.

16.12 **Review of the Administrator’s decision.** Any zoning applicant who is aggrieved by the decision of the Administrator pursuant to the provisions of the above section, may petition the Town Council for the review of the decision of the Administrator.

16.13 **Reconsideration, one year limitation.** Whenever a petition requesting an amendment, supplement, or change has been denied by the Town Council, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.
ARTICLE VIII: SECTION 17
AMENDMENTS

17.1 Generally.

Whenever public necessity, convenience, general welfare or good zoning practice require, and subject to the procedures and requirements set forth in section 15.2-2286 of the Code of Virginia, 1950, as amended, the regulations, restrictions and district boundaries established by this Ordinance may be amended, supplemented, changed or repealed by ordinance to amend the provisions of this Ordinance shall be enacted in the same manner as all other ordinances.

17.2 Initiation of Amendments.

Amendments to this Ordinance may be initiated by any of the following methods:

(1) Resolution of the Town Council. The Town Council may, by its own resolution, initiate an ordinance to amend any of the provisions of this Ordinance, including the official zoning district map. Such resolution shall state the public purpose for the amendment.

(2) Motion of the Planning Commission. The Planning Commission may, by adoption of a motion, initiate an amendment to any of the provisions of this Ordinance, including the official zoning district map. Such motion shall state the public purpose for the amendment. The motion shall cause an ordinance to be prepared for its consideration.

(3) Petition of a property owner. A petition to change the zoning classification of property by amendment to the official zoning district map may be filed by the owner of such property or, with the written consent of the owner, the contract purchaser of the property or any agent owner, the contract purchaser of the property or any agent of the owner. Such petition may be addressed to the Town Council or to the Planning Commission and shall be filed with the Zoning Administrator for such forms provided by the Zoning Administrator for such purpose. The petition shall be accompanied by the required fee and a certified plat, legal description or such other documentation as prescribed by written policy established by the Town Council. The Zoning Administrator shall forward the petition to the Town Council, which shall cause an ordinance to be prepared for its consideration.
17.3 Action by Planning Commission

Review and recommendation. No ordinance to amend the provisions of this Ordinance shall be acted upon by the Town Council unless the amendment has been referred to the Planning Commission for its review and recommendation. The Commission may recommend that the Town Council adopt or reject the proposed amendment. Failure of the Commission to consider the amendment and report to the Town Council within ninety (90) days after the first regular meeting of the Commission after the amendment was referred to it, shall be deemed to be a recommendation approval.

17.4 Public notice and hearing. Before taking action on any amendment referred to it by the Town Council, the Planning Commission shall give public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon. The Zoning Administrator shall submit a written report and recommendation regarding the amendment to the Planning Commission prior to its scheduled public hearing.

17.5 Action by Town Council Public notice and hearing. Before taking action on any ordinance to amend the provisions of this Ordinance, the Town Council shall give public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended, and shall hold a public hearing thereon.

17.6 Final action. After receiving a report from the Planning Commission and after giving public notice and holding a public hearing, the Town Council may adopt or reject the proposed amendment, or may make appropriate changes or corrections to the amendment, provided that no land may be zoned to a more intensive use classification nor shall a greater area of land be rezoned than was described in the public notice without referral to the Planning Commission and an additional public hearing after public notice as required by section 15.1-431 of the Code of Virginia, 1950, as amended.

17.7 Continuance or withdrawal. Final action on any proposed amendment may be continued by the Town Council for good cause, provided that all resolutions, motions or petitions for amendments to the provision of this Ordinance shall be acted upon a decision made by the Board within one (1) year of the date of such resolution, motion or petition. This provision shall not apply if the petitioner requests or consents in writing to action beyond such period or if the resolution, motion or petition initiating the amendment is withdrawn by providing written to the County Clerk. In the case of withdrawal, no further action on the amendment shall be necessary.

17.8 Joint Public Hearing

The Town Council and the Planning Commission may hold a joint public hearing on any proposed amendment, subject to the public notice requirements of section 15.1-431 of the Code of Virginia, 1950, as amended.
17.9 Filing of New Petition after Rejection

Upon rejection by the Town Council of any proposed amendment to the Official Zoning District map by petition of a property owner, contract purchaser or agent of a property owner, substantially the same petition shall not be considered again by the Board within one (1) year of the date of such rejection.

17.10 Fees

A filing fee in such amount as established by general rule by the Town Council shall be submitted with each petition to change the Zoning Classification of Property.
APPENDIX A
SUBDIVISION ORDINANCE
ARTICLE I: PURPOSE, TITLE AND ADOPTION

1-1. Purpose.
The purpose of this ordinance is to establish certain subdivision standards and procedures for the Town of St. Paul and such of its environs as come under the jurisdiction of the Town Council as provided by the Code of Virginia, as amended.

These are part of a long-range plan to guide and facilitate the orderly beneficial growth of the community, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. More specifically, the purpose of these standards and procedures is to provide a 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. Subdivided land sooner or later becomes a public responsibility in that roads and streets must be maintained and numerous public services customary to urban areas must be provided. This ordinance assists the community in meeting these responsibilities.

1-2. Title.
This ordinance is known and may be cited as the "Subdivision Ordinance of the Town of St. Paul, Virginia."

1-3. Adoption.
The following regulations are hereby adopted for the subdivision of land within the unincorporated territory of the County, other than incorporated towns, and from and after, the 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.

ARTICLE II. DEFINITIONS

For the purpose of this ordinance, certain words and terms used therein shall be interpreted or defined as follows: words used in the present tense include the future; words in the singular number include the plural, and the plural the singular, unless the natural construction of the word indicates otherwise; the word "lot" includes the word "parcel"; the word "shall" is mandatory and not directory; the word "approval" shall be considered to be followed by the words "or disapproved"; any reference to this ordinance includes all ordinances amending or supplementing the same; all distances and areas refer to measurement in a horizontal plane.

2-1. **Acreage, gross.** Gross acreage means total tract acreage.

2-2. **Acreage, net.** Net acreage is the remaining acreage after subtracting from gross acreage all land not intended for use or sale as residential building lots. In computing net acreage, street right-of-way, restricted floodways, parks, school sites, other permanent open spaces and land intended or shown for public use shall be subtracted as well as land intended for other than residential use.

2-3. **Alley.** A public or private right-of-way primarily designated to serve as a secondary access to the rear or side of those properties whose frontage is on some other street.

2-4. **Approved authority.** Those persons delegated the responsibility of approving any portion or part of the requirements of this article (ordinance).

2-5. **Architect.** A person licensed by the Commonwealth of Virginia to practice architecture.

2-6. **Building.** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the ground.

2-7. **Building setback line.** A line within a lot or other parcel of land on a recorded plat, between which line and the adjacent boundary line, the erection of a building is prohibited.


2-9. **Administrator.** An employee of the Town of St. Paul who is charged with the responsibility of the overseeing all projects and activities.

2-10. **Cul-de-sac.** A street with only one outlet and having a terminal for reversal of traffic.

2-11. **Developer.** Any person, group of persons, corporation, or other legal entity who, having an interest in land directly or indirectly sell, leases, or develops or offers to sell, lease or develop, or advertises for sale, lease or development any lot, tract, parcel, site, unit or interest for residential, commercial or industrial development.
2-12. **Dwelling.** Any building containing one (1) or more dwelling units but not including hotels, motels, boarding or lodging houses.

A. **Dwelling, single-family:** A dwelling unit which is designed to be and is substantially separate from any other structures except accessory structures.

B. **Dwelling, two family:** A dwelling containing two (2) dwelling units.

C. **Dwelling, multi-family:** A dwelling or building containing three (3) or more dwelling units.

D. **Dwelling, town house:** A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides.

2-13. **Dwelling unit.** One (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

2-14. **Easement.** An interest in land owned by another that entitles its holder to a specific limited use.

2-15. **Engineer.** A person licensed by the Commonwealth of Virginia as a professional engineer.

2-16. **Family.** One (1) or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit.

2-17. **Family Subdivision.** A subdivision in which one (1) division of the parent tract is made available to any person who is a natural or legally defined offspring, spouse, sibling, grandchild, grandparent, aunt, uncle, niece, nephew, or parent of the owner.

2-18. **Flood.** An overflow of water onto land not normally covered by water that results in significant adverse effects of the vicinity.

2-19. **Flooding, land subject to.** For the purpose of this section, land subject to flood shall be defined as follows:

   A. All land lying below the 100-year flood level, identified as a Special Flood Hazard Area on the Federal Insurance Administration (FIA) Flood Hazard Boundary Map for the Town of St. Paul.

2-20. **Floodway.** The natural high water channel in the portion of the flood plain along the normal channel which must be retained for the passage of flood waters to prevent undue increase in flood heights upstream. For the purpose of this section the floodway shall be further defined as follows:

   A. Floodway districts as designated by Chapter 8 of the Wise County Code.
B. Along streams for which the 100-year data is available, the floodway shall consist of the stream channel and that portion of the adjacent flood plain which would be required to safely pass the 100-year flood as determined by competent engineers acting on the behalf of the sub-divider, but in no case less than fifteen (15) horizontal feet measured from the top of the banks.

C. Along streams and drainage channels, areas within fifteen (15) feet of the top of the banks.

2-21. **Frontage.** The length of the property line of any lot, lots or tract of land measured along a street on which the lot, lots, or tract of land abuts.


2-23. **Health Official.** The Health Director or County Sanitarian of Wise County.

2-24. **Highway Engineer.** The resident engineer or his duly appointed representative employed by the Virginia Department of Transportation.

2-25. **Lot.** A numbered and recorded portion of a subdivision intended for transfer of ownership or for building development which is set off in metes and bounds, conforms to the zoning ordinance and has the minimum required frontage on a street as required by this section.

A. **Lot, corner:** A lot abutting upon two 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.

B. **Lot, depth of:** The mean horizontal distance between the front and rear lot lines.

C. **Lot, double frontage:** An interior lot having frontage on two streets.

D. **Lot, interior:** A lot other than a corner lot.

E. **Lot, line:** The boundary line of the lot.

F. **Lot, out:** A unit of land not suitable as a building site and substandard to the zoning ordinance.

G. **Lot, through:** A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.

H. **Lot, width:** The horizontal distance between the side lines of a lot
measured along the set back lines.

2-26. **Lot of record.** A lot which has been recorded in the office of the Clerk of the Circuit Court of Wise County.

2-27. **Monument.** A man-made object placed throughout a subdivision for the purpose of defining a land boundary either at a point of direction change or at any intermediate point along a line.

2-28. **Official.** The individual who has been appointed to serve as the agent of the governing body in approving subdivision plats.

2-29. **Off-street Parking.** Any space specifically allotted to the parking of motor vehicles, which space shall not be in a dedicated right-of-way.

2-30. **Owner.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land.

2-31. **Plat.** Includes the terms: map, plan, plot, replat, replot; a schematic representation of a tract of land which is to be or has been subdivided in compliance with this section. Plats shall conform to the standards as contained in Section 42.1-82 of the Code of Virginia.

2-32. **Residential planned community.** Means a variety of residential and other land uses developed in an orderly relationship to one another so as to produce as nearly as possible a self sustaining community of land uses of a compatible nature.

2-33. **Street.** A public right-of-way which offers a primary means of vehicular access to properties or provides through traffic. A street shall be deemed the total length and width of the strip of land dedicated or designated for public travel, including such improvements as may be required.

A. **Street, arterial:** A thoroughfare which carries the major portion of traffic entering.

B. **Street, collector:** A street or system of streets that distributes traffic from the arterials through the areas to the ultimate destination, which may be a local or collector street. The collector street may also collect traffic from local streets in the neighborhood and channels such traffic into arterial systems.

C. **Street, local:** A street of limited continuity used primarily for access to abutting properties and serving the local needs of a neighborhood.

D. **Street, service:** A public street, generally paralleling and contiguous to arterial streets, primarily designed to promote safety by properly spacing points of access to such arterial streets.

E. **Street, stub:** A street with one inlet and no outlet, commonly referred to as a dead end street.
2-34. **Street Private.** A travel way, road or thoroughfare which affords principal means of access to abutting property encompassed by a right-of-way not dedicated to public use, maintained by a private corporation or adjacent landowners within the platted subdivision and subject to the complete restrictive control by said private corporation or adjacent landowners.

2-35. **Subdivide.** The division of a lot, tract or parcel of land into two or more parts any of which are used or to be used for building purposes or transfer of ownership. See definition of subdivision elsewhere in this section.

2-36. **Subdivider.** Any person, firm or corporation owning any tract, lot or parcel of land to be subdivided or a group of two or more persons acting in concert, or who has or have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the legal requirements of the subdivision ordinance.

2-37. **Subdivision.** The division of lot, tract or parcel of land into two (2) or more lots or other subdivision of land, for the purpose, whether immediate or future, of transfer of ownership, or building development, including all changes in streets or lot lines, and including any parcel previously separated by the then owner of such tract for such purpose subsequent to the adoption of these regulations; provided, that the division of land in parcels of five (5) acres or more that does not involve any new public street or easement of access or road shall not be considered a subdivision when such division does not offer an opportunity to obstruct natural drainage or a planned major highway or to adversely affect any part of an adopted plan, or any way violate the intent of the zoning ordinance of the county; and provided further, that divisions of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

The term "subdivision" shall not include a single division of land into parcels where such division is for the purpose of a sale or gift to a member of the immediate family of the property owner including a partition of property owned by immediate family members. Only one such division shall be allowed per family member and shall not be for the purpose of circumventing this section. For the purpose of this subsection, a member of the immediate family shall be as defined elsewhere in this ordinance. With respect to family subdivision all applicable requirements of the zoning ordinance shall be met and the proposed parcel shall conform to the design standards set forth in this ordinance.

The term "subdivision" shall not include subdividing to one's self in order to circumvent the process for financial gain.

2-38. **Surveyor.** A certified land surveyor authorized to do business in the Commonwealth of Virginia.

2-39. **Water supply, individual well.** A well supplying a source of water to one lot.

2-40. **Water supply, public system.** A water supply and distribution system owned and operated by a public corporation.
2-41. **Zoning Ordinance.** The zoning ordinance of the Town of St. Paul.

**ARTICLE III. ADMINISTRATION IN GENERAL**

3-1. **Administration.**

The Administrator is hereby appointed to administer this ordinance. In so doing, the Administrator shall be considered the agent of the governing body, and the approval or disapproval by the Administrator shall constitute approval or disapproval as though it were given by the governing body. The Administrator shall also consult with the Town Council and the Planning Commission regarding matters contained herein.

3-2. **Duties.**

The Administrator shall perform his duties as regards subdivisions and subdividing in accordance with this ordinance and Section 15.1-465 et seq., of the Code of Virginia of 1950, as amended.

3-3. **To consult.**

In the performance of his duties, the Administrator shall call for opinions or decisions, either verbal or written, from other departments in considering details of any submitted plat. This authority by the Administrator shall have particular reference to the resident highway engineer, health officer, Town Council and Planning Commission.

3-4. **Additional Authority.**

In addition to the regulations contained herein for the platting of subdivisions, the Administrator may, from time to time, establish reasonable additional administrative procedures deemed necessary for the proper administration of this ordinance.

3-5. **Exceptions.**

Where the sub-divider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Administrator a departure may be made without destroying the intent of such provisions, the Administrator may authorize an exception. Any exception thus authorized is to be stated in writing with the reasoning, on which the departure was justified set forth. No such variance may be granted by this section which is opposed in writing by the highway engineer or health official.

3-6. **Amendments.**

This ordinance may be amended in whole or in part by the town council; provided, that such an amendment shall either originate with or be submitted to the planning commission for
recommendation; and further provided, that no such amendments shall be adopted without a public hearing having been held by the governing body. Notice of the time and place of the hearing shall have been given at least once a week for two weeks, and the last notice at least five days prior to the hearing.

3-7. Penalties.

Any person violating the foregoing provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

3-8. Severability.

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

3-9. Applicability to other developments.

This ordinance shall apply, where applicable, to planned communities, condominiums, townhouses, and industrial parks.

3-10. Advertising standards.

A developer, when selling a subdivided tract of land, shall make the following information available in written form at the site of the sale on the day of the sale:

A. Whether or not public water is available to all tracts or lots;
B. Whether or not public sewer is available to all tracts or lots;
C. Whether or not the streets will be maintained by the Virginia Department of Transportation;
D. The zoning of the property and the permitted, accessory, and conditional uses allowed in the zone. Any printed or media advertisement of the sale shall include the zoning of the property.

3-11. Land excluded from requirements.

This ordinance shall not include the following:

A. A division of land ordered by a court of competent jurisdiction.
B. A tract, parcel or lot of land divided into five (5) acre or more lots, provided however, that if new streets are required to serve the parcels, all requirements relating to streets in this ordinance shall be binding.

C. A bona fide division of land to immediate family members as defined herein. The guidelines as established in this ordinance under Article IV, Family Subdivision, shall be adhered to.

ARTICLE IV. FAMILY SUBDIVISIONS

4-1. Family subdivisions.

A. Family subdivisions. A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:

1. The grantee is an immediate family member of the owner or owner(s), who is an immediate family member as defined in this ordinance.

2. No previous transfer under this provision has been granted to the grantee in this town.

3. The lot will not be voluntarily transferred to a non-immediate family member for at least five (5) years except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed.

4. The grantee is at least eighteen (18) years of age and able to hold real estate under the laws of Virginia.

5. The purpose of the transfer is to provide for the housing needs of the grantee.

6. The transfer is not for the purpose of circumvention of the subdivision ordinance.

7. The grantor and grantee sign an affidavit duly acknowledged before some officer authorized to take acknowledgements and deeds that certifies compliance with subsections (2)(1) through (a)(6) above.

8. Lots of less than five (5) acres will be served by a right-of-way of not less than ten (10) feet in width providing ingress and egress to a road which is part of the Virginia Department of Transportation road system.

9. Each lot or property five (5) acres or greater in area shall front on a road which is a part of the Virginia Department of Transportation road system, or be served by a right-of-way of not less than forty (40) feet in width.

10. When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.

11. If the proposed lot is served by a nonexclusive right-of-way, which is maintained by means of a recorded maintenance agreement, or a duly constituted homeowners'
association, concurrence of the association or persons signatory to the maintenance agreement for the addition to the proposed lot is required.

12. In the event that the administrator determines a circumvention to have occurred, the family subdivision approval shall be considered void and the town may take appropriate action to require compliance with all other applicable subdivision and zoning requirements or may initiate action to vacate said lot. No building permit shall be issued for such lot(s).

13. If the Planning Commission finds that an extraordinary hardship is being caused by the five-year restriction, it shall reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.

14. The corners of all lots created shall be marked with general property monuments.

15. A boundary survey of the lot shall be submitted to the administrator for approval and shall contain the following: Surveyor's certification; a statement certified by the surveyor that no buildings exist in any direction of the building restriction line along any new lot lines; location of any existing easements; location of the floodplain; total acreage; owner's consent; the county tax map identification number of the parcel from which the lot is to be divided; a point of reference to determine how the lot is being subdivided out of the total parcel; a line for approval by the administrator; and a statement that the land is hereby being subdivided in accordance with the provisions of this section, Family Subdivision, of the subdivision ordinance of the Town of St. Paul, Virginia. The approved boundary survey shall be recorded as provided by the Code of Virginia.

16. Prior to the issuance of a building permit on a family subdivision lot not having frontage on a state road, the property owner shall sign and record in the land records an agreement, which shall be reflected in the chain of title for that lot, stating that the property owner understands that;

A. The easement of right-of-way serving the lot is private and the road or drive within it shall be maintained by the benefited property owner(s):

B. The road or drive is ineligible for admission into the state secondary road system for maintenance unless it is brought into conformance with the requirements of this subdivision ordinance at no cost to the town, county, or state;

C. Until the road is accepted into the secondary road system, state maintenance will not be provided, and mail service land school bus service may not be available to the property.
ARTICLE V. PROCEDURES FOR SUBMITTING; APPROVING AND RECORDING PLATS

5-1. Outline of procedures.

The procedure for review and approval of a proposed subdivision under the terms of this ordinance consists of three (3) separate steps:

A. The initial step is the preparation and submission to the Administrator of a preliminary sketch showing information as required herein unless a waiver is obtained as hereinafter provided.

B. The second step is the preparation and submission to the Administrator of a preliminary plat is as hereinafter provided.

C. The third step is the submission to the Administrator of a final plat together with such additional materials as are required for final plats.

When approved, the final plat becomes the instrument to be recorded in the Clerk's Office of Wise County and must show written certification by the Administrator and Planning Commission of said approval.

The subdivider is encouraged to consult early and informally with the Official for advice and assistance in preparation for any of the steps required herein. The developer may also consult with the Planning Commission or its appointed committee in any of the three (3) steps above.

It is the intent of this ordinance to provide procedures for review and approval of proposed subdivisions in the most expeditious manner consistent with the legislative purposes of this ordinance. To this end the requirements for submission and approval of preliminary sketches, preliminary plats, and final plats shall be liberally construed to eliminate unnecessary time consuming or costly requirements not consistent with the general legislative intent of this ordinance.

5-2. Preliminary sketch.

5-2-1 General information. The subdivider shall submit to the Administrator five (5) copies of a preliminary sketch (which may be a simple line drawing on white paper) showing, but not limited to, the following information (information required by this section).

5-2-2 Preliminary sketch requirements. The preliminary sketch shall give the following information insofar as applicable.

A. Name of subdivision, owner or subdivider, date and north point.

B. Location of proposed subdivision by an inset map drawn approximately to scale showing adjoining roads, towns, subdivisions, and sufficient other landmarks to clearly identify the location of the proposed subdivision.
C. The boundaries of the tract or part thereof to be subdivided drawn to scale with sufficient accuracy to give the Administrator fair approximation of the proposed subdivision. Boundaries of any future expansion of the subdivision shall be outlined.

D. Sketches of all existing, platted and proposed streets and their widths; natural water courses and other major landmarks.

E. Description of method and facilities for providing potable water and method and facilities for sewage disposal.

F. Any property which may be within the special flood hazard area.

G. Any land disturbing activity which comes under the Wise County Erosion and Sedimentation Ordinance for which an erosion and sedimentation control plan must be submitted for approval.

H. Zoning and such other information as the Administrator may require.

5-2-3 Waiver of preliminary sketch. Refer to section 5-3-3.

5-2-4 Copies of preliminary sketch to agencies. The Administrator shall forward one copy of the preliminary sketch to the local Health Department and one copy to the Virginia Department of Transportation.

5-2-5 Approval of preliminary sketch. The Administrator shall approve the preliminary sketch after proper consultation with the local Health Department, Virginia Department of Transportation and others, as needed. Within thirty (30) days the Administrator shall by a formal letter notify the subdivider to submit a preliminary plat, and include any data and the character and extent of public improvements that may be required.

5-2-6 Copies filed. One copy of the preliminary sketch will be retained by the Administrator, one copy will be retained for the Planning Commission's files, and one copy shall be returned to the subdivider.

5-3. Preliminary plat.

5-3-1 General information. The subdivider shall submit to the Administrator five (5) copies of a preliminary plat of the proposed subdivision. See section 5-4-12 for plat standards. A preliminary plat shall not be acceptable for submission unless it meets all the required standards of design and unless it contains all the required information or a written request for a variance from each specific deviation from the requirements with reasons therefore.

5-3-2 Preliminary plat requirements. The subdivider shall present the required plats showing the following:

A. Name of subdivision, owner, subdivider, surveyor, or engineer, date of drawing, number of streets, north point and scale. If true north is used, method of determination must be shown.
B. Location of proposed subdivision by an inset map at a scale of not less than one-half inch equal to one mile showing adjoining roads, their names and numbers, subdivisions, and other landmarks.

C. The boundary survey of existing surveyor record; total acreage, acreage of subdivided area; number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners, and their property lines within the boundaries of the tract; and ownership of adjoining unsubdivided property; future expansion area, if any.

D. When the subdivision consists of land acquired from more than one source of title the outlines of the various tracts shall be indicated by dash-lines, and identification of the respective tracts shall be placed on the plat.

E. All existing, platted and proposed streets, their names, house numbers, and street widths; existing, platted and future utility or other easements, public areas and parking spaces; culverts drains and water courses their names and other pertinent data.

F. The proposed method of water supply, drainage provisions, sanitary sewer layout or other accepted sanitary plan.

G. A cross section showing the proposed street construction, in accordance with the requirements of the Virginia Department of Tric use and the conditions of such dedication.

H. Utility companies and franchised cable television operators shall execute quit claims to any easement within, over or under street rights-of-way.

I. If any portion of the land being subdivided is subject to flood, as defined in this ordinance, the area subject to flood shall be shown.

J. Any land distributing activity which comes under the Wise County Erosion and Sedimentation Ordinance for which an erosion and sedimentation control plan is required, must be submitted for approval.

K. Zoning and such other information as the Administrator may require.

5-3-3 Waiver of preliminary sketch. In order to facilitate expeditious review and approval of proposed subdivisions, the Administrator is empowered to grant a waiver of the requirements for the preliminary sketch requiring the submission of preliminary plat initially if the subdivider has consulted with the Administrator and receives written consent by the Administrator certifying that a preliminary plat only is required.

5-3-4 Copies of preliminary plat to agencies. The Administrator shall forward one copy of the preliminary plat to the local Health Department and one copy to the Virginia Department of Highways and Transportation.

5-3-5 Approval of preliminary plat.
A. The Administrator shall meet with and submit all preliminary plats to the Town Council for its approval.

B. The Administrator shall approve the preliminary plat after proper consultation with the local Health Department, Virginia Department of Transportation, Town Council, and others as needed. Within sixty (60) days the Administrator shall by a formal letter notify the subdivider to submit a final plat, and include any additional data and the character and extent of public improvements that may be required.

5-3-6 Copies filed. One copy of the preliminary plat will be retained by the Administrator, one copy will be retained for the Town Council's files, and one copy shall be retained to the subdivider.

5-4 Final Plat.

5-4-1 General information.

A. The approval of the preliminary sketch and/or the preliminary plat by the Administrator shall in no way constitute acceptance of the final plat. Approval of the final plat shall be so stamped and certified on the final plat itself.

B. A final plat may be filed for all or any part of the territory shown on the approved preliminary plat or preliminary sketch. The subdivision of land shown on the final plat must conform substantially to the layout shown on the approved preliminary plat.

C. No deviation from the preliminary plat will be accepted which substantially alters the subdivision layout shown thereon or which does not conform to all the requirements of the standards of this ordinance. No final plat will be accepted for submission which does not contain all the required information for final plats or a written request for a variance from the requirements for final plats with reasons therefore. No final plat where a variance from the requirements has been requested will be approved unless and until the Administrator and Town Council have consented in writing to the variance.

D. The plat shall be drawn to the standards as contained in Section 5-4.12. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the streets shown and identified as a key. The original sheet(s) shall be on mylar or a similar drafting medium.

E. The subdivider shall not have more than six (6) months after receiving official notification of the finding of the Administrator and Town Council to submit a final plat to the Administrator in accordance with this ordinance. Failure to do so shall make preliminary plat approval null and void. The Administrator on written request by the subdivider may, for
good cause shown, grant extension of this time limit not to exceed (90) days. The Administrator shall notify the Town Council in writing of any extensions.

F. At least ten (10) days prior to consideration by the Administrator and Town Council, the subdivider shall submit the original of the final plat and four (4) copies to the Administrator.

5-4-2 Requirements for final plats. The final plat shall show and include the following:

A. All information requested in the preliminary plat requirements in Section 5-3-2 above.

B. Sufficient survey data to determine and reproduce on the ground the location and end points of every street line, lot line, boundary line, block line, curve or angle point. Each line shall contain a bearing and length. Data for curves shall include the radius, central angle, and tangent distance unless said curves are on streets where the above data may be given for the street center line. All distances shall be given to the nearest one-hundredth of a foot and all bearing angles to the nearest one minute of angle. Required building setback lines or other space restricted from building shall be shown as dashed lines. The area of lots shall be shown to the nearest one-hundredth of a square foot or to the nearest one-thousandth of an acre.

C. Lots shall be numbered in numerical order, and blocks shall be numbered in numerical or alphabetical order. Any easements, rights-of-way, or other land shown for public ownership or shown to be retained for public ownership or for public improvements shall be clearly indicated.

D. The location and description of permanent monuments and other required survey markers shall be indicated clearly on the plat.

E. The final plat shall be identified as a final plat and have its own proper date printed thereon.

F. There shall be placed on the final plat or on the cover sheet, if more than one sheet constitutes the final plat, a blank outlined space three (3) inches by five (5) inches suitable for indicating final approval data by the Administrator. In addition to this blank, sufficient space shall be provided for the certification statement contained in Section 5-4-3 subparagraph A, of this ordinance and said statement shall be shown on the final plat.

5-4-3 Certification. The following certificates shall be presented with the final plat:

A. A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors, and trustee, if any, which shall be signed by the owners, proprietors, and
trustee(s), if any, and shall be duly acknowledged before some officer authorized to take acknowledgment of deeds.

B. Certification showing that applicant is the landowner and dedicates streets, rights-of-way, and any sites for public use.

C. Certification by registered surveyor or engineer to accuracy of survey and plat, placement of monuments, and the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title. The engineer will also certify the plans for drainage systems, sidewalks and certify the handling of subsurface drainage.

D. Certification of approval by the County Health Officer and the Highway Engineer.

E. Certification by the Administrator that the subdivider has complied with one of the following alternatives:

(1) Prior installation of all improvements in accordance with the requirements of the standards, or

(2) Posting of a bond in sufficient amount to assure the completion of all required improvements as required by Section 6 of this ordinance.

5-4-4 Approval of final plat. The Administrator and Town Council shall approve or disapprove the final plat within sixty (60) days after its submission. If the plat is disapproved, the grounds for disapproval shall be stated in writing and given to the subdivider. The Administrator shall notify the subdivider within ten (10) days after the official review of the decision.

5-4-5 Appeals. If the councilor administrator disapproves a plat and the subdivider contends that such disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be practical, provided that his appeal is filed with the circuit court within sixty (60) days of the written disapproval by such councilor administrator.

5-4-6 Recording of plat. The subdivider shall record the plat within six (6) months of final approval. Extension may be granted by the Administrator upon due cause shown for not more than an additional sixty (60) days. Notice of any extensions shall be given to the Town Council.

5-4-7 If a subdivider records a final plat which may be section of a subdivision as shown on a preliminary plat and has furnished to the town a certified check, cash, escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintain by the town, county, the Commonwealth, or other public agency, the subdivider shall have the right to record the remaining sections shown on the preliminary plat for a period of five (5) years from the recordation date of the first section, subject to the terms and conditions of this ordinance and
subject to engineering and construction standards and zoning requirements in effect at the
time that each remaining section is recorded.

5-4-8 Copies filed. When the final plat has been approved by the Administrator and Town
Council, one copy shall be returned to the subdivider with the approval of the Administrator
and Town Council certified thereon. Copies of all required certificates shall also be returned
to the subdivider. One copy shall be properly filed for recordation with the Circuit Court
Clerk by the subdivider as the official plat of record. One copy shall be filed with the Town
Council together with the originals of all required certificates.

5-4-9 Necessary changes. No change, erasure or revision shall be made on any preliminary
or final plat, nor on accompanying data sheets after approval of the Administrator and Town
Council has been endorsed in writing on the plat, unless authorization for such changes has
been granted in writing by the Administrator. The Administrator will submit a detailed
report in writing of any such changes approved to the Town Council.

5-4-10 Fees.

A. There shall be a charge for the examination and approval or disapproval of
every plat reviewed by the Administrator. At the time of filing a
preliminary plat, the subdivider shall remit to the Administrator the
amount of ____________ per plat and for each residential lot. The
payment shall be cash or an instrument payable to the Town of St. Paul.

B. For commercial, industrial and institutional properties, the subdivider shall
remit per plat and ____________ for each acre and part of an acre.

5-4-11 Vacation of final plat. The subdivider shall notify the Administrator of his intention
to vacate the final plat, and shall adhere to the procedures of the Code of Virginia, Section
15.1-481.

5-4-12 Standards for plats.

A. Statement of applicability.

These standards shall apply to all plats and maps submitted for recordation
in the circuit courts of the Commonwealth.

B. Statutory Authority.

42.1-8 and 42.1-82 of the Code of Virginia.

C. Recording medium.

Documents size shall be between 8 1/2 x 11 and 18 x 24 inches, and the
scale shall be appropriate to the size of the paper. Original plats shall be
inscribed on either translucent or opaque paper, polyester or linen. The
background quality for opaque paper shall be uniformly white, smooth in
finish, unglazed, and free of visible watermarks or background logos.
Only the original or a first generation unreduced black or blue line copy of the original plat drawing, which meets the quality inscription standards noted below and has the stamp and original signature of the preparer, shall be submitted for recordation.

A plat prepared prior to 1986, which is being entered as reference, can be recorded if the current landowner’s notarized signature appears on the plat. Changes or alterations made to any original plat must be accompanied by the stamp and signature of the preparer who did the changes/alterations. Any plats exempted from this chapter under the Code of Virginia can be recorded with the notarized signature of the original preparer.

D. Quality inscription standards.

Color of original inscription shall be black or blue and be solid, uniform, dense, sharp, and unglazed. Signatures shall be in dark blue or black ink. Lettering shall be no less than 1/10 inch or 2.54 mm in height. Lettering and line weight shall be no less than 0.13 inches or .3302 mm. Lettering and line spacing for control pencil drawings shall be no less than .050 inches and for ink drawings no less than .040 inches. The drawing substance must be either wet ink or control pencil but not a combination thereof. Good drafting practices shall be followed when eliminating ghost lines and when doing erasures, and all shading and screening shall be eliminated over written data. Inscriptions shall meet standards established herein and Engineering Drawing and Related Documentation Practices-Line Conventions and Lettering (ANSI Y 14.2M -1987), Technical Drawing -Lettering -Part I: Currently Used Characters (ISO 3098/1-1974) Technical Drawings -Sizes and Layout of Drawing Sheets ISO 5457-1980 shall be consulted as guidelines.

E. Format for copies.

Margins shall be at least 1/4 inch on all sides, and inscriptions are to be made on only one side of the paper. All drawings shall have centering marks on each side, adjacent and outside the margins.

F. Recording standards.

Recordation inscriptions shall be by clerk’s printed certificate, stamping, typing, or handwriting shall conform to the quality inscription standards noted above.

G. Exclusion.

A first generation copy of an original plat drawing dated prior to July 1, 1986, shall be admitted to record subject to me requirements of 17VAC15-60-20.

H. Note.

Where a plat is submitted as part of an instrument, these plat standards shall apply to such plat.
ARTICLE VI. REQUIRED IMPROVEMENTS AND MINIMUM STANDARDS OF DESIGN

6.1 Standards generally.

A. A request for subdivision shall not be approved if after adequate investigation conducted by all public agencies concerned it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed.

B. Geometric design standards, base and pavement design, bridge design, means of access, street grades, horizontal curves, vertical curves, intersections, tangents, storm drainage, sidewalks, and street lights and other highway improvements shall be in accordance with the Virginia Department of Transportation Subdivision Street Requirements and Pavement Design Guides.

C. This ordinance provides that only one dwelling unit shall be placed on a lot regardless of the lot size.

D. Surety for subdivision improvements shall be in a form as stated elsewhere in this ordinance. Maintenance fees as required by the Virginia Department of Transportation shall be as outlined in their Subdivision Street Requirements Manual.

E. All required improvements shall be installed by the subdivider at the subdivider's cost.

6-2. Streets.

6-2-1 Alignment and layout. The arrangements of new streets in subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide convenient access to it. Where, in the opinion of the Administrator, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision may not be permitted. Wherever possible, streets should intersect at right angles unless in hillside areas. Streets running with contours shall be required to intersect at angles of not less than 80 degrees, unless approved by the Highway Engineer. Intersection offsets and jogs shall be avoided.

6-2-2 Service drives. Whenever a proposed subdivision contains or is adjacent to a limited access highway or expressway, or a state primary highway, provision shall be made for a service drive or marginal street approximately parallel to such right-of-way at a distance suitable for and appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any
major highway or street projected across any railroad, limited access highway or expressway shall be of adequate width to provide for the cuts of fills required for any future separation of grades.

6-2-3 *Approach angle.* Major streets shall approach major or minor streets at an angle of not less than 80 degrees, unless the official, upon recommendation of the highway engineer, shall approve a lesser angle of approach for reasons of contour, terrain or matching of existing patterns.

6-2-4 *Minimum widths.* The minimum width of proposed streets, measured from lot line to lot line, shall be as specified by the Virginia Department of Transportation for acceptance into the state secondary road system or as permitted in subsection 6-2-9.

6-2-5 When lots in a subdivision abut on one side of any street which has been included in the state secondary road system, the subdivider shall be required to dedicate enough land so that one-half the width of such street, as measured from the centerline to the subdivision property line, shall be 25 feet or one-half the standard width of such highway, whichever is greater, but he shall not be responsible for grading or surfacing said existing street or highway.

6-2-6 Streets shall be constructed in compliance with the requirements of the Virginia Department of Transportation or as permitted in subsection 6-2-9.

When required by a certificate engineer, a drainage system 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 from or across all streets and adjoining properties.

The grade of streets submitted on subdivision plats shall be approved by the Administrator upon recommendation of the highway engineer prior to the final action by the Administrator. Wherever feasible, street grades shall not exceed ten percent.

6-2-7 *Cul-de-sac.* Generally, minor terminal streets (cul-de-sac), designed to have one end permanently closed, shall be no longer than 400 feet to the beginning of the turn-around. Each cul-de-sac must be terminated by a turn-around of not less than 30 feet radius for streets serving 25 or less dwelling units and 45 foot radius for streets serving over 25 dwelling units.

6-2-8 *Alleys.* Dead-end alleys, if unavoidable, shall be provided with adequate turn-around facilities as determined by the Administrator. There shall be no reserve strips controlling access to alleys.

6-2-9 *Private streets and reserve strips.* Every subdivision property shall be served from a publicly dedicated street or a private street. There shall be no reserve strip controlling access to streets.
Private streets will be permitted contingent on the following statement being included on all plats, deeds and covenants: "The grantors hereby give notice as required by the Subdivision Ordinance of the Town of St. Paul, Virginia, that they do not intend to construct, repair or maintain the streets according to the standard of specifications of the Virginia Department of Transportation and that agency will not be responsible for the development, construction, repair or maintenance of said streets. The parties of this deed will hold all local and state agencies harmless from any liability or expense concerning road standards and maintenance within the above subdivision and this is a covenant which runs with the land." When a subdivision has private streets, the developer shall make provisions for the formation of a homeowner's association, which will be responsible for maintaining the streets, including the formulation of by-laws and electing officers. Until a homeowner's association is formed, the developer shall be responsible for the streets. Documentation for the organization of a homeowners' association must be submitted when the final plat is presented for approval.

(a) Each street shall have a minimum width right-of-way of 40 feet.
(b) Each street shall have proper drainage.
(c) Each street shall have a minimum of four inches of compacted base no larger than railroad ballast rock, covered by two inches of compacted crusher-run, 18 feet wide with 24 inch shoulders on each side.
(d) Each street and drainage ditch shall comply with the Wise County and Sediment Control Ordinance.
(e) Each street shall be inspected by the county subdivision official or accept reports of inspection by approved agencies or individuals.
(f) Geometric curves for road alignment shall meet Virginia Department of Transportation Standards.

6-2-10 Names. Proposed streets which are obviously in alignment with already existing and named streets shall bear the names of existing streets. In no other case shall the names of 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 the preliminary and final plats, and shall be approved by the Administrator and Town Council. Names of existing streets shall not be changed except by approval of the governing body.

6-2-11 Identification signs. Street identification signs of a design approved by the Administrator shall be installed at all intersections readable from either side.

6-2-12 Monuments. As required by this ordinance, all monuments must be installed by the subdivider and shall meet the minimum specifications. Upon completion of subdivision streets, sewers, and other improvements, the subdivider shall make certain that all monuments required by the Administrator and Town Council are clearly visible for inspection and use. Such monuments shall be inspected and approved by the Administrator before any improvements are accepted by the governing body.

6-2-12-1 Location; concrete. Concrete monuments four inches in diameter or square, three feet long, with a flat top, shall be set at all street corners, at all points where the street line
intersects the exterior boundaries of the subdivision, and at right angle points, and points of curve in each street. The top of the monument shall have an appropriate mark to identify properly the location and shall be set six inches above finished grade.

6-2-12-2 Location; iron pipe. All other lot corners shall be marked with iron pipe not less than three-fourths inch in diameter and 24 inches long; and driven so as to be flush with the finished grade. When rock is encountered, a hole shall be drilled four inches deep in the rock, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

6-3. Block lengths and widths.

6-3-1 Blocks shall not be greater than twelve hundred (1,200) feet nor less than five hundred (500) feet in length, provided, however, the Administrator may waive this provision when extreme topographic conditions would cause undue hardship if the subdivider complied with this provision.

6-3-2 Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited access highways, or railroads or topographical or other situations make this requirement impracticable in which case the Administrator may approve a single tier of lots of minimum depth.

6-3-3 Where a subdivision adjoins an arterial highway, the Administrator may require that the lesser dimension of the block shall front or back upon such major thoroughfare to avoid unnecessary ingress and egress.

6-3-4 Fire protection. The installation of adequate fire hydrants in a block at locations approved by the Administrator may be required, provided: necessary public water is available. The Administrator shall consult with the proper authorities before approving such locations.

6-4. Lots.

6-4-1 Zoning requirement. The minimum area and development regulations for each individual lot shall be in conformance with the requirements of the zoning district in which the lot is located as set forth in the Town of St. Paul Zoning Ordinance.

6-4-2 Shape. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and conform to the 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.

6-4-3 Location. Each lot shall abut on a street dedicated by the subdivision plat, or on an existing publicly dedicated street or on a street which has become public by right of use. If the existing streets are not 40 feet in width, the subdivider shall make provisions in the
deeds to the lots for all buildings to be so constructed as to permit the widening by dedication of such roads or streets to a width of 40 feet. The above applies to streets with projected traffic volume of 250 average daily traffic flows. Streets with projected volumes above this level will require a 50 foot right-of-way.

6-4-4 Corner lots. Corner lots shall have extra width sufficient for maintenance of any required building lines on both streets as determined by the Administrator. No obstruction above three (3) feet or less than twelve (12) feet shall be permitted within the corner sight triangle. Such restriction shall not apply to fire hydrants, utility poles, street markers, government signs and traffic control devices.

6-4-5 Side lines. Side lines of lots shall be approximately at right angles, or radial to the street line.

6-4-6 Remnants. All remnants of lots below minimum size left over after subdividing of a tract must be added to adjacent lots, or otherwise disposed of rather than allowed to remain as unusable parcels.

6-4-7 Pipe stems. Pipe stem lots shall not be allowed.

6-4-8 Separate ownership. 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 court and held with the final plat until the subdivider is ready to record the same, and they both shall be on the record together.

6-5. Driveways.

6-5-1 Clear sight triangle. The driveway of any lot and the street line, measured in each direction along the driveway edge and street line for fifteen 1(15) feet from the intersection of the triangle and on the third side by the diagonal line connecting the ends of the fifteen-foot sides shall be clear of any structure, fence, plant, sign or other object of any kind that could obstruct cross-visibility. Provided however, that the restriction in this subsection shall not apply to trees having trunks (but not branches of foliage) which are less than six (6) inches diameter at breast height or fire hydrants, street markers, governmental signs and traffic control devices.

6-5-2 Construction. Driveways shall be constructed in accordance with the Virginia Department of Transportation standards. At a minimum, driveways shall be smoothly graded, adequately drained and constructed with suitable sub-grade, base and surfacing to be durable under the use and maintenance contemplated.

6-5-3 Location. Driveways shall not intersect a street corner radius, nor encroach into any required clear sight triangle.
6-6. Sidewalks and Lighting.

6-6-1 Sidewalk standards. Sidewalks shall be constructed of cement concrete and shall be four feet wide and four inches deep.

6-6-2 Sidewalk maintenance. Any sidewalk constructed meeting the acceptance criteria of the Virginia Department of Transportation shall be maintained by that agency. Any sidewalk constructed not meeting that criteria shall be maintained by a home owners association or such other non-profit organization. The Administrator shall provide an annual assessment amount to the association/organization for the generation of repair and replacement costs under normal conditions.

6-6-3 Street light standards. Roadway lighting shall be provided as per the Virginia Department of Transportation standards.

6-6-4 Street light application. The subdivider shall make application to the Virginia Department of Transportation on form CE-7 prior to the submission of the final plat to the Administrator.

6-6-5 Waiver. The Town Council may waive the requirement for street lights and sidewalk if it is determined that the removal of these items will not be detrimental to the development or to the town.


6-7-1 Water available. Where public water is reasonably available, the service shall be extended to all lots within the subdivision by the subdivider.

6-7-2 Water not available. Where public water is not reasonably available, the subdivider will be encouraged to provide a central water supply system.

6-7-3 Wells. If neither public nor central water systems are proposed, the subdivider may provide individual wells, providing the planned location of such wells meets the requirements of the state health code and other regulations.

6-7-4 Fire hydrants. In all subdivisions serviced by either a public or central water supply system, an acceptable system of fire hydrants shall be installed by the subdivider.

6-8. Sewer Service.

6-8-1 Sewer available. Where public sewer service is reasonably available, the service shall be extended to all lots within the subdivision by the subdivider, and septic tanks will not be permitted.
6-8-2 No sewer available. Where public sewer service is not reasonably available, the developer shall be encouraged to install a central sewage treatment facility, serving all lots in the subdivision.

6-8-3 Individual service. Where neither public nor central sewage treatment is proposed, individual sewage disposal systems may be installed for each lot, provided that the total sewage disposal plan is in conformance with the state health code and other regulations.

6-8-4 Exceptions. Greater lot areas may be required where individual sewage disposal systems or individual wells are used if the health official determines that there are factors of drainage, soil condition or other conditions to cause health problems. The Administrator shall require that data from soil studies be submitted as a basis for passing upon subdivisions dependent upon sewage disposal systems as a means of sewage disposal.

6-9. Storm Drainage.

6-9-1 Requirement. The subdivider shall provide all necessary information needed to determine what improvements are necessary to develop properly the subject property, including contour levels, drainage plans and flood control devices.

6-9-2 Certification. The subdivider shall provide a certification statement from a properly qualified engineer or surveyor that such improvements, when properly installed, will be adequate for proper development.

6-9-3 Resident Highway Engineer. All such storm drainage plans shall be approved by the Resident Highway Engineer.

6-10. Easements.

6-10-1 Requirement. Easements often (10) feet in width, or greater, shall be provided for water, sewer, power and telephone lines and other utilities in the subdivision.

6-10-2 Continuity and Location. Easements shall be laid out so as to insure continuity of utilities from lot to lot, block to block and to adjacent property. Such easements shall be kept free of permanent structures and whenever possible shall be located adjacent to property lines. Nothing in this section is intended to prohibit the placement of public utilities within dedicated rights-of-way.

6-10-3 Drainage Easements. The Administrator may require that easements for storm drainage through adjoining property be provided by the subdivider.

6-11. Reservation of land for public purposes.

6-11-1 Requirement. The Town Council may require subdivider to set aside land for parks, playgrounds, schools, libraries, and similar public uses, subject to the following regulations.
6-11-2 Dedication for Parks and Playgrounds. Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten (10) percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the town. Where land is required in excess of this amount, the reimbursement by the town shall be based on an amount as agreed between the town and the subdivider.

6-11-3 Dedication for Public Purposes. Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks, playgrounds, and water and sewer systems, except on a reimbursement basis. They shall be reimbursed by the town or agency requiring the land only if agreed to by such town or agency. The Town shall be required to obtain an option upon the property involved for a period of eighteen (18) months following the recording of the plat for such purchase. If the land is not purchased within the said eighteen (18) months it may be sold as lots for the same purpose for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show on the final plat, by dotted lines and dotted numbers, the sizes and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number, without filling an amended plat.

6-11-4 Divisibility. The Administrator shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of the subdivision.

ARTICLE VII
PERFORMANCE BONDS

8-1 Performance Bonds, Generally

8-1-1 Town obligations. Nothing herein shall be construed as creating an obligation upon the town to pay for grading or paving, for sidewalks, sewers, curb and gutter improvements or construction, or for any other costs in connection therewith.

8-1-2 Bonding procedures. Dedication for public use of any right-of-way located within any subdivision which has constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewer system, water line or part of a public system, or other improvements or phase thereof as approved on the final plat by the Town Council, financed or to be financed in whole or in part by private funds, shall be accepted only if the owner or the subdivider: (1) certifies to the Administrator that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the town a certified check in the amount of the estimated costs of construction or a bond, cash escrow, or other financial arrangement satisfactory to the Administrator, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned. The bond, in an amount calculated by the Town, shall be based upon a two-year projection
of cost from the date of starting construction of said improvements to insure the required improvements are completed in a workmanlike manner in accordance with specifications and construction schedules established by the Town. The improvements shall be completed within two (2) years from date of starting construction and the bond shall guarantee such performance. The bond shall not be released until the construction has been inspected and approved by the Administrator.

8-1-3 Maintenance of bonding. In the event any subdivision street cannot be accepted into the state highway system, after approval by the Town, due to factors other than its quality of construction, the subdivider shall be required to furnish a maintenance and indemnifying bond, with surety satisfactory to the Administrator, in an amount sufficient for and conditioned upon the maintenance of such street until such time as it is accepted into the state highway system, or in lieu of such bond, a bank or savings and loan association's letter of credit on certain designated funds acceptable to the Administrator. "Maintenance of such street/road" shall be defined by reference to the last sentence of Section 15.1-466(f) of the Code of Virginia of 1950, as amended. If said maintenance and indemnifying bond is required, then the aforesaid performance bond as described in section 8-1-2 shall not be released until said maintenance and indemnifying bond is furnished.

8-1-4 Approval of constructed facilities. Within thirty (30) days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed hereunder, the Administrator shall inspect the construction site and notify the subdivider or developer in writing that (a) the construction is acceptable and approved, or (b) there are specified defects or deficiencies in construction and suggested corrective measures are presented, or (c) the Town has not received approval by applicable local or state agency. If no such action is taken by the Administrator within the time specified above, the request shall be deemed approved and a partial release of fifty (50) percent of any bond, escrow, letter of credit, or other performance guarantee required hereunder shall be granted the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is additional request in writing sent by certified mail return receipt to the Administrator of the Town. The Administrator shall act within ten (10) working days of receipt of the request; then if no action is taken, the request shall be deemed approved and final release granted to the subdivider or developer.

8-1-5 Partial and final release of bond. Upon written request by the subdivider or developer, the Town shall make periodic performance guarantee) in a cumulative amount equal to no less than eighty (80) percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was en, based upon the percentage of facilities completed and approved by the Administrator. Periodic partial releases may not occur before the completion of at least thirty (30) percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, or after completion of more than eighty (80) percent of said facilities. The Town shall not execute more than three (3) periodic partial releases in any twelve-month period. Upon final completion and acceptance of said facilities, the Town shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer.
8-1-6 Guarantee and warranties. The developer and the development principals thereof shall provide the Town with a guarantee or warranty against defects in water and sewage facilities for a period of one year following acceptance by the Town of the subdivision public improvements under Town authority, unless said improvements were installed by the Town.

8-1-7 Waiver. Nothing in this section prevents the Town Council from granting a waiver of bonding requirements as they apply to Town requirements. Said bonds may be reduced and or eliminated if the Council feels such action will riot be detrimental to the development and completion of such development.
ORDINANCE #10-005

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF ST. PAUL, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS, BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE TOWN OF ST. PAUL, Virginia, as follows:

ARTICLE I: GENERAL PROVISIONS

Section 1.1 – Statutory Authorization and Purpose

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280. 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.
Section 1.1.2 Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the Town of St. Paul, Virginia and identified as being flood prone.

Section 1.1.3 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, but does not imply total flood protection. 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 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 Town of St. Paul Floodplain Administrator.

D. This ordinance shall not create liability on the part of Town of St. Paul or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.1.4 Abrogation and Greater Restrictions

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Section 1.1.5 Severability

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

Section 1.1.6 Penalty for Violations

Any person who fails to comply with any of the requirements or provisions of this Section may be subject to penalties for violation of this ordinance, as amended.

In addition to the above referenced penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or
remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town of St. Paul to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this section.

ARTICLE II: DEFINITIONS

A. **Base Flood** – The flood having a one percent chance of being equaled or exceeded in any given year.

B. **Base Flood Elevation** – The Federal Emergency Management Agency designated one hundred (100) year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance of flood.

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

D. **Board of Zoning Appeals** – The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this Ordinance.

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

F. **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).

G. **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.

H. **Flood or Flooding** –

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
   a. the overflow of inland or tidal waters; or,
   b. the unusual and rapid accumulation or runoff of surface waters from any source.
   c. mudflows which are proximately caused by flooding as defined in paragraph (1) (b) of this definition and are akin to a river of liquid and flowing mud on
the surfaces of normally dry land areas, as when earth is carried by a current of
water and deposited along the path of the current.

2. The collapse or subsistence 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
declared in paragraph 1 (a) of this definition.

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

J. **Flood Insurance Study (FIS)** – An examination, evaluation and determination of
flood hazards and, if appropriate, corresponding water surface elevations, or an
examination, evaluation and determination of mudflow and/or flood-related erosion
hazards.

K. **Floodplain or Flood-prone Area** – Any land area susceptible to being inundated by
water from any source.

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

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

N. **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
computed for a selected size flood and floodway conditions, such as wave action,
bridge openings, and the hydrological effect of urbanization in the watershed. When a
freeboard is included in the height of a structure, the flood insurance premiums will be
significantly cheaper.

O. **Highest Adjacent Grade** – The highest natural elevation of the ground surface prior
to construction next to the proposed walls of a structure.

P. **Historic structure** – Any structure that is
Town of St. Paul Zoning, Subdivision & Floodplain Ordinance

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either

   a. by an approved state program as determined by the Secretary of the Interior; or,

   b. directly by the Secretary of the Interior in states without approved programs.

Q. 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.

R. 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, but does not include a recreational vehicle.

S. Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

T. New Construction – For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after August 17, 1981, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

U. Recreational Vehicle - A vehicle which is

   1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable by a light duty truck; and,

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

V. Shallow Flooding Area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

W. 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 Section 3.2 of Article 3.

X. Start of Construction – For other than new construction and substantial improvement, under the Coastal Barriers Resource Act means 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 of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of 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.

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

Z. 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.

AA. 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:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

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

CC. 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.
ARTICLE III: ESTABLISHEMENT OF FLOODPLAIN DISTRICTS

Section 3.1 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 (FIRM) for the Town of St. Paul prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated February 18, 2011, and any subsequent revisions or amendments thereto.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Town of St. Paul offices.

1. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in the Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

2. 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.

3. The Approximated Floodplain District shall be those areas identified as an A or A99 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.

4. The Shallow Flooding District shall be those areas identified as Zone AO or AH on the maps accompanying the Flood Insurance Study.

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. If there is 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.

Section 3.2 District Boundary Changes

The delineation of any of the Floodplain Districts may be revised by the Town of St. Paul 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.

Section 3.3 Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 3.4 Submitting Technical Data

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

ARTICLE IV: DISTRICT PROVISIONS

Section 4.1 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Town of St. Paul Subdivision Regulations. Prior to the issuance of any such permit, the Town of St. Paul Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
B. 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 at 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.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 General Standards

The following provisions shall apply to all permits:

A. New construction and substantial improvements shall be 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 anchoring 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.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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 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. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A – H above, in all special flood hazard areas, the additional provisions shall apply:

I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. 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, in riverine areas, 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 Administrator.

J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 Specific Standards

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Article IV Section 4.6, 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 to one foot 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 one foot 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 one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. Elevated Buildings

Fully 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).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

3. include, in Zones A, AO, AE, and A1-30, 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 this section.

2. All recreational vehicles placed on sites must either
   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 Article 4, sections 4.2 and 4.3.

Section 4.4 Standards for the Floodway District
The following provisions shall apply within the Floodway District:

A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the WISE COUNTY ZONING ADMINISTRATOR.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the developer and/or applicant first applies – with the Town of St. Paul’s endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency.

B. If Article 4, Section 4.6 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

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 4.5 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 Zones A1-30 and AE on the Flood Insurance Rate 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 St. Paul.

Development activities in Zones A1-30, AE, and AH, on the Town of St. Paul’s Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer and/or applicant first applies – with the Town of St. Paul’s endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

Section 4.6 Standards for Approximated Floodplain
The following provisions shall apply with the Approximate Floodplain District:
The Approximated Floodplain District 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 these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. It is recommended that the applicant refer to FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas, A Guide for Obtaining and Developing Base (100-Year) Flood Elevations.”

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., an applicant for a proposed use, development and/or activity greater than 50 lots or 5 acres, whichever is lesser, shall determine this elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town of St. Paul’s Floodplain Administrator.

The Town of St. Paul’s Floodplain Administrator reserves the right to require hydrologic and hydraulic analyses for any development.

When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood elevation (recommended equal to or greater than one foot freeboard). During the permitting process, the Town of St. Paul’s Floodplain Administrator shall obtain:

1) the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,

2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Section 4.7 Standards for the Shallow Flooding District

The following provisions shall apply within the Shallow Flooding District:

A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade. When a freeboard is included in the height of a structure, the flood insurance premiums will be significantly cheaper.

B. All new construction and substantial improvements of non-residential structures shall

1. have the lowest floor, including basement, elevated to or above the flood depth specified on the Flood Insurance Rate Map, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number
is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,

2. together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.

**Section 4.8 Standards for Subdivision Proposals**

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

**ARTICLE V: VARIANCES: FACTORS TO BE CONSIDERED**

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

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

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

B. The danger that materials may be swept on to other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided by the proposed facility to the community.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access by ordinary and emergency vehicles to the property in time of flood.

K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

M. Such other factors which are relevant to the purposes of this 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.
Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

Variances 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 and signed by the Zoning Administrator, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation increases the risks to life and property and 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 variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

ARTICLE VI: EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, 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 floodplain 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.
ARTICLE VII - ENACTMENT

ENACTED AND ORDAINED THIS 21st DAY OF March, 2011.
This ordinance shall become effective upon passage.

[Signature]

Title

[Attested]