



ZONING REGULATIONS

Town of Pulaski, Virginia

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**ZONING ORDINANCE DECLARATION
TOWN OF PULASKI, VIRGINIA**

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

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

ARTICLE 100
TITLE, APPLICATION, PURPOSE, INTERPRETATION

Section 101
Title

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

Section 102
Application

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

Section 103
Purpose

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

To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;

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

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

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

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

To protect approach slopes and other safety areas of licensed airports.

To promote affordable housing.

To protect surface and ground water.

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

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

**Section 104
Interpretation**

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

**Section 105
Non-Exclusionary Intent**

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

ARTICLE 200
DISTRICTS AND DISTRICT MAPS

Section 201
Establishment of Districts

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

- RR Rural Residential District
- R-1 Residential District
- R-2 Residential District
- R-3 Multi-Family Residential District
- R-4 Residential District
- R-5 Planned Unit Development District
- RO Residential Office District
- B-1 Local Business District
- B-2 General Business District
- B-3 Central Business District
- I-1 Industrial/Commercial District
- I-2 Industrial District
- DS Drop Site
- H Historic District
- FD Flood Overlay District

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

Section 202
Establishment of District Map

Such land and the district classification thereof, shall be as shown on the map or maps designated as the "Zoning District Map of Pulaski, Virginia," dated, and signed by the Mayor and attested by the Town Clerk, upon adoption. This Zoning District Map or maps, and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this Ordinance as if fully described herein and shall be filed as part of this Ordinance by the Clerk of the Town of Pulaski. Said Map shall be available for public inspection in the office of the Town Clerk. Such map shall be marked "Original Copy not to be altered or removed from the Clerk's office except on Court Subpoena" provided however, that said map may be removed during normal office hours by the Administrator for the

purpose of incorporating duly adopted revisions. This map together with subsequent applicable amendments shall be conclusive as to the current zoning status of land.

Section 203
Annual Revision of Zoning Map

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

Section 204
Information Copies of Zoning District Map

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

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

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

Section 205
Periodic Review

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

Section 206
Interpretation of District Boundaries

1. A district name, letter or letter-number combination shown on the district maps indicates that the regulations pertaining to the district designated by that name, letter or letter-

number combination extend throughout the whole area in the town bounded by the district boundary lines within which such name, letter or letter-number combination is shown or indicated, except as otherwise provided by this section.

2. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of these regulations, the following rules apply:

In cases where a boundary line is given a position within a road, street or alley, navigable or non-navigable stream, it shall be deemed to be in the center of the right-of-way of the road, street, alley, or stream, and if the actual location of such road, street, alley, or stream varies slightly from the location as shown on the district map, then the actual location shall control.

- b. In cases where a boundary line is shown as being located a specific distance from a road or street line or other physical feature, this distance shall control.
- c. Where the district boundaries are shown on the Zoning District Maps to approximately coincide with lot lines or town limit line, the lot lines or town limit line shall be construed to be the district boundary line unless otherwise indicated.
- d. In cases where district boundaries as shown on the Zoning District Maps do not coincide or approximately coincide with road or street lines, alley lines or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the map.
- e. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Ordinance is not shown as being in a zoning district, such property shall be classified RR Rural Residential District until changed by amendment.

Section 207 Interim Zoning of Annexation Areas

Pursuant to Section 15.2-2286(2) of the Code of Virginia 1950, as amended, all land which shall come into the territorial jurisdictions of the Town shall be classified RR Rural Residential District for such reasonable time until changed by amendment, in order to provide for reasonable, orderly interim regulation of use and development of land within the said annexation area.

**ARTICLE 300
GENERAL PROVISIONS**

**Section 301
Conformance with Regulations Required**

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

**Section 302
Location of a Lot Required**

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

**Section 303
Street Frontage Required**

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

**Section 304
Encroachment; Reduction of Lot Area**

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

**Section 305
Accessory Buildings; Prior Construction and Use**

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

Section 306
Use of Certain Facilities for Dwelling Not Permitted

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

Section 307
Uses Not Permitted Are Prohibited

For the purposes of this Ordinance, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Ordinance, uses not specifically listed are prohibited.

Section 308
The Front of All Structures Must Face the Front of the Lot

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

**ARTICLE 400
DISTRICT REGULATIONS**

The Town of Pulaski is divided into the following districts:

**Section 401
RR Rural Residential District**

401.1 Purpose of the Rural Residential District

The purpose of this district is to provide for more spacious single-family residential areas and for areas not yet urban where agricultural uses are appropriate, although more intensive agricultural uses are permitted only by special exception. The district may also include hillside areas and forests where development will be slow and sparse. In order to maintain the character of the district, accessory or additional dwelling units are permitted by special exception approved by the Planning Commission and Town Council following the required public hearings and proposed only on lots having at least twice the land area required for a single structure. Certain governmental, educational, religious, recreational and utility uses are permitted subject to such restrictions and requirements as will insure compatibility with residential surroundings. It may be anticipated that portions of this district will be changed to other districts as development progresses and utilities become available.

For area regulations see Section 501, Table 1.

401.2 Permitted Uses

Within the Rural Residential District (RR) a building or land shall be used only for the following purposes:

- 401.2-1 Single family dwellings, including manufactured homes that are less than nineteen feet in width.

- 401.2-2 General agriculture, farming and forestry, including tilling the soil, raising of crops, truck gardens, field crops, orchards or nurseries for growing or propagation and harvesting of plants, turf, trees and shrubs and in general uses commonly classified as general agriculture, including temporary open air stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises and which shall be removed in the off-season when not in use, but not including the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of less than ten acres, and not including the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of less than two acres or to such extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises, and not including those more intensive agricultural and confinement uses which are herein defined as special agriculture and which requires a special exception, and not including commercial slaughtering or processing of animals or poultry.

- 401.2-3 Accessory buildings and uses, including but not limited to, accessory private garages, farm buildings and structures, employee quarters, guest houses, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs as herein regulated.
- 401.2-4 Houses of Worship.
- 401.2-5 Family Day Care Centers.
- 401.2-6 Public Utilities required to serve the neighborhood.

401.3 Special Exceptions

When, after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted with appropriate conditions:

- 401.3-1 Special agriculture consisting of those intensive agricultural operations commonly known as confinement operations where large numbers of animals or fowl are confined to a relatively small space and therefore tend to produce odor, flies, rats and noise, including such operations as hog, veal and poultry pens or houses, feedlots for beef animals, hogs, sheep and other animals, and dairy farming operations.
- 401.3-2 Cemeteries.
- 401.3-3 Convalescent homes, nursing homes or homes for the aged.
- 401.3-4 Companion-animal kennel, commercial or non-commercial, in accordance with the definitions found in the "Dogs and Other Animals" ordinance of Pulaski County.
- 401.3-5 Transmission scale facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards, substations and major transmission lines. "Transmission scale" are those facilities required to serve areas larger than the neighborhood or community.
- 401.3-6 Hospital or clinic for humans.
- 401.3-7 Private schools, colleges, universities, nursery schools, kindergartens, etc.
- 401.3-8 Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been

approved as a part of the subdivision plan.

- 401.3-9 Radio, communication, or television transmission or receiving tower more than 50 feet in height.
- 401.3-10 Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment.
- 401.3-11 Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises.
- 401.3-12 Accessory or additional dwelling units are permitted following public hearings by the Town Planning Commission and Council for lots having at least twice the land area required for a single dwelling unit.
- 401.3-13 Columbarium.

401.4 Accessory Uses

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

- 401.4-1 Home occupations provided that the requirements of Article 500, Section 505 are met;
- 401.4-2 Living quarters in the main structure of persons employed on the premises;
- 401.4-3 Recreational vehicles shall be stored off of public streets and behind the setback line and are be prohibited from occupancy;
- 401.4-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 401.4-5 Signs as provided for in Article 500, Section 506;
- 401.4-6 Parking as provided for in Article 500, Section 503;
- 401.4-7 Swimming pool associated with a private residence.
- 401.4-8 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:

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

(b) For purposes of this section:

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

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

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

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

(d) Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

- (e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- (g) The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

Section 402
R-1 Residential District

402.1 Purpose of the Residential R-1 District

The purpose of this district is to provide for low-density single-family detached residential development which is characterized by large lots and open space, together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. This district is primarily designed to provide and encourage a safe and suitable environment for family life. For area regulations see Section 501, Table 1.

402.2 Permitted Uses

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

- 402.2-1. Detached single-family dwellings, including manufactured homes that are nineteen feet or more in width, on a permanent foundation.
- 402.2-2 Houses of worship. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
- 402.2-3 Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.
- 402.2-4 Public water and sewage facilities, and other utilities serving the neighborhood.
- 402.2-5 Family Day Care Center.

402.3 Special Exceptions

When, after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing

property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

- 402.3-1 Cemeteries.
- 402.3-2 Convalescent homes, nursing homes or homes for the aged.
- 402.3-3 Transmission scale facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards, substations and major transmission lines are permitted. "Transmission scale" are those facilities required to serve areas larger than the neighborhood or community.
- 402.3-4 Hospital or medical clinic.
- 402.3-5 Private schools, colleges, universities, nursery schools, kindergartens, etc.
- 402.3-6 Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as a part of the subdivision plan.
- 402.3-7 Radio, communications, or television transmission or receiving tower more than 50 feet in height.
- 402.3-8 Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment.
- 402.3-9 Keeping of horses and ponies, or sheep for personal enjoyment and not as a business under the following conditions:
 - (a.) Required minimum acreage is a follows:
 - 1. Horses and ponies—one (1) horse or pony per two (2) acres, one (1) acre for each additional horse or pony.
 - 2. Sheep—three (3) sheep per acre; one (1) acre for two (2) additional sheep.
 - 3. Keeping of horses and ponies or sheep, but not both permitted.

- (b.) Required minimum acreage for keeping grazing animals permitted under this ordinance shall be for the exclusive use/boarding of the permitted grazing animal. Calculation of acreage for keeping a grazing animal permitted under this ordinance shall not include areas for residences, yards, or structures.
- (c.) Any structure used to shelter grazing animals permitted under this ordinance shall be a minimum of one hundred (100) feet from the side and rear lot lines and the primary residence on the property. No structure shall be placed past the front setback line or in the required front yard of a residence.
- (d.) All acreage used for the care and confinement for grazing animals permitted under this ordinance shall be fenced with lawful fencing as defined in *Code of Virginia, 1950 as amended, §55-299* and in conformity with rulings on fencing issued by the *Virginia Board of Agriculture and Consumer Services*.

402.3-10 Columbarium.

402.4 Accessory Uses

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

- 402.4-1 Home occupations provided that the requirements of Article 500, Section 505 are met;
- 402.4-2 Living quarters in the main structure of persons employed on the premises;
- 402.4-3 Recreational vehicles and trailers shall be stored off of public streets and are prohibited from occupancy;
- 402.4-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed within 15 days of the issuing of the Certificate of Occupancy or abandonment.
- 402.4-5 Signs as provided for in Article 500, Section 506;
- 402.4-6 Parking as provided for in Article 500, Section 503;
- 402.4-7 Swimming pool associated with a private residence.

*For an additional special exception permitted in portions of the R-1 District see Page 156.

402.4-8 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:

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

(b) For purposes of this section:

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

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

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

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

(d) Any temporary family health care structure installed pursuant to this

section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

- (e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- (g) The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

Section 403
R-2 General Residential District

403.1 Purpose of the Residential R-2 District

The purpose of this district is to provide for medium density, single family residential use by stabilizing and encouraging residential neighborhoods, protecting the essential character of such neighborhoods as well as for those public and semi-public uses and accessory uses as may be necessary or are normally associated with residential surroundings. For area regulations see Section 501, Table 1.

403.2 Permitted Uses

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

- 403.2-1. Detached single-family dwellings, including manufactured homes that are nineteen or more feet in width, on a permanent foundation.
- 403.2-2. Houses of worship. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
- 403.2-3. Public Schools.
- 403.2-4. Private and public parks, playgrounds, recreational buildings and grounds, tennis courts, swimming pools and outdoor recreational activities, all of a noncommercial nature. No public swimming pool or structure shall be located closer than fifty (50) feet from any lot containing a residence.
- 403.2-5. Public water and sewage facilities, and other utilities serving the neighborhood.
- 403.2-6. Family Day Care Centers.

403.3 Special Exceptions

When, after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

- 403.3-1. Bed and breakfast facility.

- 403.3-2 Convalescent homes, rest homes, nursing homes or homes for the aged.
- 403.3-3 Transmission scale facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards, substations and major transmission lines.
- 403.3-4 Hospital or medical clinic.
- 403.3-5 Private schools, colleges, universities, nursery schools, kindergartens, etc.
- 403.3-6 Parks, parkways and playgrounds, which have been approved as a part of the subdivision plan.
- 403.3-7 Radio, communications, or television transmission or receiving tower more than 50 feet in height.
- 403.3-8 Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, incidentals, supplies and equipment.
- 403.3-9 Cemeteries
- 403.3-10 Congregate senior housing as a special exception.
- 403.3-11 Columbarium.
- 403.3-12 Two-family attached dwellings.

403.4 Accessory Uses

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

- 403.4-1 Home occupations provided that the requirements of Article 500, Section 505 are met;
- 403.4-2 Living quarters in the main structure of persons employed on the premises;
- 403.4-3 Recreational vehicles and trailers shall be stored off of public streets and are prohibited from occupancy;

- 403.4-4 Satellite dish antenna not extending beyond the buildable area;
- 403.4-5 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 403.4-6 Signs as provided for in Article 500, Section 506;
- 403.4-7 Parking as provided for in Article 500, Section 503;
- 403.4-8 Swimming pool associated with a private residence.
- 403.4-9 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
- (a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - (b) For purposes of this section:
 - "Caregiver" means an adult who provides care for a mentally or physically impaired person within the Commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
 - "Mentally or physically impaired person" means a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in § [63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.
 - "Temporary family health care structure" means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is

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

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

Section 404
R-3 Multi-Family Residential District

404.1 Purpose of the Residential R-3 District

The purpose of this district is to provide for medium density residential uses and accommodate a variety of housing types as well as for those public, semi-public, and accessory uses as may be necessary or are normally associated with residential surroundings. For area regulations see Section 501, Table 1.

In conjunction with the provisions for conditional zoning as contained in Section 704, this district can be used to facilitate planned housing developments.

404.2 Permitted Uses

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

- 404.2-1 Detached single-family dwellings, including manufactured homes that are nineteen or more feet in width, on a permanent foundation.
- 404.2-2 Two-family dwellings, detached or semi-detached.
- 404.2-3 Attached single-family dwellings (Townhouses), subject to the special regulations.
- 404.2-4 Multiple-family dwellings.
- 404.2-5 Houses of worship. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
- 404.2-6 Family Daycare Center.
- 404.2-7 Public water and sewage facilities, and other utilities serving the neighborhood.
- 404.2-8 Public Schools
- 404.2-9 Cluster Housing

404.3 Special Exceptions

When, after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing

property values. The Town Council may stipulate additional requirements for the purpose of protecting the public interest.

- 404.3-1 Bed and breakfast facility.
- 404.3-2 Rooming and boarding houses.
- 404.3-3 Convalescent homes, rest homes, nursing homes or homes for the aged.
- 404.3-4 Transmission facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards, substations and major transmission lines.
- 404.3-5 Hospital or medical clinic.
- 404.3-6 Nursery schools, kindergartens, etc.
- 404.3-7 Private schools, colleges, or universities.
- 404.3-8 Professional and business offices.
- 404.3-9 Public or governmental buildings and uses, including fire stations (volunteer or otherwise), parks, parkways and playgrounds.
- 404.3-10 Radio, communications, or television transmission or receiving tower more than 50 feet in height.
- 404.3-11 Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, incidentals, supplies and equipment.
- 404.3-12 Accessory buildings and uses, including but not limited to accessory private garages, servants or caretakers quarters, guest houses, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory signs.
- 404.3-13 Cemeteries.
- 404.3-14 Columbarium.

404.4 Accessory Uses

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

- 404.4-1 Home occupations provided that the requirements of Article 500, Section 505 are met;
- 404.4-2 Living quarters in the main structure of persons employed on the premises;
- 404.4-3 Recreational vehicles and trailers shall be stored off of public streets and are prohibited from occupancy;
- 404.4-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
- 404.4-5 Signs as provided for in Article 500, Section 506;
- 404.4-6 Parking as provided for in Article 500, Section 503;
- 404.4-7 Swimming pool associated with a private residence.
- 404.4-8 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
 - (a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.
 - (b) For purposes of this section:

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

appointed guardian of the mentally or physically impaired person for whom he is caring.

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

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

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

Section 405
R-4 Residential District

405.1 Purpose of the Residential R-4 District

The purpose of this district is to recognize existing residential development on small lots, providing for the continued use of existing lots and densities as well as for those public, semi-public, and accessory uses as may be necessary or are normally associated with residential surroundings. It is not intended that any lot in this district be subdivided such that a lot of less than 4000 square feet is created. Careful consideration needs to be given to any proposal for the rezoning of an area to this district to assure compatibility with the neighborhood and good land use practice. For area regulations see Section 501, Table 1.

In conjunction with the provisions for conditional zoning as contained in Section 704, this district can be used to facilitate planned housing developments.

405.2 Permitted Uses

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

- 405.2-1 Detached single-family dwellings, including manufactured homes that are nineteen or more feet in width.
- 405.2-2 Two-family dwellings, detached or semi-detached.
- 405.2-3 Attached single-family dwellings (Townhouses), subject to the special regulations.
- 405.2-4 Multiple-family dwellings.
- 405.2-5 Houses of worship. No recreational facility shall be located closer than fifty (50) feet from any residential lot.
- 405.2-6 Family care homes, foster homes or group homes.
- 405.2-7 Public water and sewage facilities, and other utilities serving the neighborhood.
- 405.2-8 Family Day Care Centers.
- 405.2-9 Therapeutic schools for minors, residential and non-residential.

405.3 Special Exceptions

When, after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with the surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the purpose of protecting the public interest.

- 405.3-1 Bed and breakfast facility.
- 405.3-2 Rooming and boarding houses.
- 405.3-3 Convalescent homes, rest homes, nursing homes or homes for the aged.
- 405.3-4 Transmission facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards, substations and major transmission lines.
- 405.3-5 Nursery schools, kindergartens, etc.
- 405.3-6 Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds.
- 405.3-7 Radio, communications, or television transmission or receiving tower more than 50 feet in height.
- 405.3-8 Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, incidentals, supplies and equipment.
- 405.3-9 Accessory buildings and uses, including but not limited to accessory private garages, servants or caretakers quarters, guest houses, swimming pools, home occupations, accessory storage, accessory off-street parking and loading spaces, and accessory

signs.

405.3-10 Cemeteries.

405.3-11 Keeping and boarding of horses, by therapeutic schools for minors, residential and non residential, for use in therapeutic programs.

405.3-12 Columbarium.

405.4 Accessory Uses

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

405.4-1 Home occupations provided that the requirements of Article 500, Section 505 are met;

405.4-2 Living quarters in the main structure of persons employed on the premises;

405.4-3 Recreational vehicles and trailers shall be stored off of public streets and are prohibited from occupancy;

405.4-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;

405.4-5 Signs as provided for in Article 500, Section 506;

405.4-6 Parking as provided for in Article 500, Section 503;

405.4-7 Swimming pool associated with a private residence.

405.4-8 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:

- (a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such

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

(b) For purposes of this section:

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

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

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

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

(d) Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

(e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(f) Any temporary family health care structure installed pursuant to this

section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

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

Section 406
Planned Unit Development District R-5

406.1 Intent of Planned Development District R-5

406.1-1 The intent of the Planned Development District R-5 is to provide for larger scaled developments, development on difficult sites, clustering of residential dwelling units, to provide for neighborhoods with a variety of housing types and densities, and neighborhood shopping facilities, schools, parks, playgrounds, off-street parking and, where necessary, land reserved to provide local employment opportunities. For area regulations see Section 501, Table 1.

406.1-2 The R-5 Planned Development District may be an assigned classification or considered a "floating" zone and classification of a piece of property as R-5 is achieved through the zoning amendment process. The classification may only be considered for property whose development design meets the requirements of this section and whose proposed uses are compatible with adjacent land uses.

406.2 Permitted Uses

Within Planned Development District R-5 the following uses are permitted by right:

406.2-1 Single family dwellings, including manufactured houses that are nineteen or more feet in width, on a permanent foundation.

406.2-2 Planned developments as indicated in the intent section. No such development plan shall be approved prior to a review of an application and hearing thereon, in accordance with Article 700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski.

406.2-3 Public water and sewage facilities.

406.2-4 Public service or private storage building of less than 300 square feet.

406.2-5 Houses of Worship

406.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article 700 herein, the

Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski, the following uses may be permitted with appropriate conditions. The timing and extent of commercial uses shall be evaluated during the plan approval process to assure that commercial activity is coordinated in timing and extent of residential development.

- 406.3-1 Private storage buildings larger than 300 square feet;
- 406.3-2 Public utilities including major transmission lines and communication towers;
- 406.3-3 Cemeteries.
- 406.3-4 Columbarium.

406.4 Accessory Uses

- 406.4-1 In addition to the principal residential uses, other commercial or non-commercial service uses may be permitted provided: (a) that such uses are intended primarily to serve the needs of the project area residents; (b) that such uses are designed and located for the convenience of project area residents and to protect the character of the district; (c) that all subsequent changes in use shall be approved by the Planning Commission or its agent; (d) that all commercial uses shall not total more than ten (10) percent of the total project area; and (e) that construction of commercial facilities shall not begin until twenty-five (25) percent of the residential units or two hundred fifty (250) dwelling units, whichever is less, of the total planned development have been completed.
- 406.4-2 Satellite dish antenna not extending beyond the buildable area;
- 406.4-3 Swimming Pool associated with a private residence or multi-family development;
- 406.4-4 Private storage building smaller than 300 square feet.
- 406.4-5 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:
 - (a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. Such structures

shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

(b) For purposes of this section:

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

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

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

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

(d) Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

(e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary

family health care structure or elsewhere on the property.

- (f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- (g) The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

406.5 Uses Permitted by Approval

The development authorized within this district is regulated by a comprehensive development and management plan proposed by the developer and where conventional zoning lot restrictions are waived in favor of the detailed site plan and dedication of common open space.

406.6 Qualifying Requirements

A tract or parcel of land may be considered for R-5 Planned Residential District Zoning only if it meets the following conditions:

- 406.6-1 **Ownership Requirements.** The project area must be in one ownership or the application filed jointly by the owners of all land within the project area. The holder of a written option to purchase land shall, for the purposes of such application, be deemed to be an owner of such land; however, each and every project area in a Planned Residential District must be in single or common ownership before the final development plan is approved;
- 406.6-2 **Availability of Public Utilities.** The project area must be located where public water and sewer systems are already available or where a community water and sewer systems can be developed as part of the project;
- 406.6-3 **Land Suitability.** Rezoning land to R-5 Planned Residential District may be denied if from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, excessive distance to employment area, non-conformity to Town development plans, or other public health, welfare or safety objectives.

406.7 Site Design Requirements

The following are the site design requirements for the R-5 Residential District:

- 406.7-1 Maximum Density. The gross residential density shall not exceed an average of 10.5 dwelling units per acre;
- 406.7-2 Common Open Space. Minimum open space shall be not less than thirty (30) percent of the total area exclusive of buildings, streets, alleys, roads, parking areas, walks, patios, and other similar improvements but inclusive of swimming pools and other active and passive recreational areas; open space must be at least 50 percent usable for recreation. This requirement shall be applicable only to multifamily & single family attached (townhouse) development.
- 406.7-3 Functional Relationships. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping, etc.;
- 406.7-4 Lot Design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, preserve existing ridge lines and water courses, be properly related to topography, and provide convenient and safe access. Lot design will reflect the following priorities:
 - (a) retention of prime agricultural soils;
 - (b) minimize impact on adjacent parcels with active agricultural operations;
 - (c) provide locations of structures which least likely block scenic vistas;
 - (d) maximize benefits of solar energy (passive and active technology);
- 406.7-5 Development Plan. The site development plan shall be designed for convenient relationships between the various functional areas of the project such as residential, recreational, shopping and shall be designed to maximize the use and/or enjoyment of natural amenities by project residents.
- 406.7-6 Street Design. The street system within the project area shall be designed:
 - (a) According to functional street purposes and projected traffic flow;
 - (b) To discourage through traffic;
 - (c) To assure safe and convenient sight distances;

- (d) To complement the natural topography;
- (e) In coordination with existing and planned streets;
- (f) To be constructed in accordance with the current applicable Virginia Department of Transportation Subdivision Street Requirements.

406.7-7 Street Names and Signs. The name of proposed streets shall be approved by the E-911 Coordinator and not duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets, which are obviously in alignment with other already existing and named streets, shall bear the names of the existing streets. Street names shall be indicated on the preliminary plan and final subdivision plat. Street signs shall be provided at all intersections;

406.7-8 Street Lighting. Street lighting shall be provided in the development;

406.7-9 Pedestrian Circulation. Provision may be made for sidewalks and pedestrian walkways, which will enable residents, visitors and/or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;

406.7-10 Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two parking spaces should be provided for each dwelling unit;

406.7-11 Water and Sewer. All planned Residential Districts shall be served by collective water and sewer systems as follows:

- (a) Wherever feasible the project area water and sewer lines shall be connected to existing public systems.
- (b) Where connection to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.
- (c) Where space requirements are met and project design allows, individual water and/or sewer systems may be permitted.

406.7-12 Community Facilities. Reservation or dedication of land for community facilities may be required if the need is created by the project area development or if proposed on the Town Comprehensive Plan;

- 406.7-13 Fire Hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection;
- 406.7-14 Drainage. The site development plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverse the project area, an easement or right-of-way shall be provided with adequate improvements to contain the drainage flows from the tributary area upstream of the development;
- 406.7-15 Flood ways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other as may increase danger of health, life, property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open or uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- 406.7-16 Easements. Easements through the project area shall be provided for water, sewer, gas, telephone, power and other utilities, all of which shall be underground, and as required by the respective utility departments, agencies or companies;
- 406.7-17 Grading. The site development plan shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- 406.7-18 Maintenance of Common Property. The developer shall create a property owners' association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owner assessments and such assessments shall constitute a lien upon the individual properties. Preservation of open space shall be assured by dedication to a public agency or private foundation, or an alternative mechanism that insures management in perpetuity by a responsible and accountable party. The mechanism must be approved by the Planning Commission.
- 406.7-19 Landscaping and Screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

406.8 Data to Accompany Application

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

- 406.8-1 Mapping of the project at an accurate scale for the proposed development plan:
 - (a) Proposed land uses including residential types, commercial types, recreation and any other proposed use;
 - (b) Proposed street system including public and private right-of-ways;
 - (c) Proposed parking areas and parking space delineations;
 - (d) Proposed plat showing subdivision lot lines;
 - (e) Proposed utility rights-of-way or easements including water, sewer, gas, power, and telecommunications;
 - (f) Proposed drainage plan;
 - (g) Proposed location of buildings, structures, and improvements;
 - (h) Property lines of proposed common property;
 - (i) Proposed pedestrian circulation system;
 - (j) Proposed landscaping plan and proposed treatment of the project perimeter such as screening;
 - (k) Relationships and tie-ins to adjacent property.

- 406.8-2 Supporting documentation to include the following minimum data:
 - (a) A legal description of the project boundaries;
 - (b) A statement of existing and proposed property owners;
 - (c) Names and addresses of all adjacent property owners;
 - (d) A statement of project development objectives and character to be achieved;
 - (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;

- (f) A statement of intent regarding future selling or leasing of land areas, dwelling units, commercial area, etc.;
- (g) Quantitative data including the number and type of dwelling units; parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types;
- (h) Proposed building types including architectural style, height, and floor area;
- (i) Approvals from the Pulaski County Health Officer if the septic tank is used;
- (j) Proposed agreements, provisions, covenants, or conservation easements which govern the use, maintenance, and continued protection of property to be held in common ownership or conveyed to a qualified non-profit conservation organization or state land conservation agency;
- (k) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken.

406.8-3 Application. Ten copies of the application for zoning the foregoing requirements shall be filed with the Zoning Administrator. The Zoning Administrator shall forward the application and data to the Planning Commission for their review and recommendation. The Planning Commission shall consider the general plan for the community, the location, arrangement and size of lots, parks, school sites and other reservations of open space; the location, width and grade of streets; the location and arrangement of parking spaces; the location, arrangement and height of buildings; the location, arrangement and design of neighborhood business areas and accessory parking spaces; the gross densities proposed for the area; and such other features as will contribute to the and harmonious development of the area, with due regard to the type and the character of adjoining neighborhoods and the peculiar suitability of the proposed uses.

406.8-4 Processing Fee. At the time of filing the preliminary plan application, the applicant shall remit to the Town of Pulaski a check in the amount as established by the Town Council.

406.8-5 Appearance of Developer. The Planning Commission and/or the Town Council may require the developer to appear to discuss the planned development.

406.8-6 Review and Approval of Planned Development Plans. The review and approval of a developer's plan for a development under the Planned Development District zone

shall follow the following steps:

- (a) Concept Plans. The applicant shall confer the zoning administrator or his designee to discuss the appropriateness of the cluster proposal and whether land should be dedicated to public use or reserved in common. The applicant shall then confer with the planning commission to discuss the appropriateness of the plan. The planning commission shall either approve, approve with conditions, or deny the proposed plan and open space provisions.
- (b) Town Council's Approval of Dedicated Open Space. Where it is determined by the planning commission that areas are suitable of dedication to public use, but such areas are not contained in the comprehensive plan, then the Town Council shall review and approve such proposed conveyance.
- (c) Preliminary Plat. Following the endorsement of the concept plan by the planning commission and, where necessary, approval of a conveyance by the Town Council, the applicant shall submit a preliminary plan under the requirements of the subdivision ordinance. The requirements for a planned development plan shall be the same as for a conventional subdivision except that plans may be prepared showing five-foot contour intervals and will include the location and plan for all open spaces.
- (d) Final Plat. The requirements for the submission and approval of final plat shall be the same as in the subdivision ordinance.

406.8-7 Preliminary Plat Approval.

- (a) Within sixty (60) days after the filing of the development plan, the Planning Commission shall report to Town Council one of the following:
 - Recommend approval of the plan as presented, or
 - Recommend approval of the plan as revised by concurrence of the Planning Commission and the developer, or
 - Recommend disapproval;
- (b) The Town Council shall give notice under Section 15.2-2204 of the Code of Virginia of a public hearing to be held not more than thirty (30) days after the receipt of the Planning Commission's report. After the hearing, the Town Council disapproves or approves the preliminary development plan, or approves the preliminary development plan with modifications;
- (c) If the preliminary development plan is approved, or approved with modifications by

the Town Council, the Zoning Map shall be amended to show the R-5 Planned Unit Development. If the preliminary development plan is approved with modifications, the Town Council shall not amend the Zoning Map until the Applicant has filed with the Zoning Administrator written consent to the plan as modified.

406.9 Status of Approval

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

Section 407
Mobile Home District MH-1

407.1 Intent of the Mobile Home District MH-1

The intent of the Mobile Home District MH-1 is to allow residential development in the form of mobile home parks and mobile home subdivisions. For area regulations see Section 501, Table 1.

Zoning Amendment Required for MH-1 District Classification. The MH-1 District is considered a "floating" zone and classification of a piece of property as MH-1 is achieved through the zoning amendment process. The classification may only be considered for a tract or parcel of land if the design meets the requirements for a mobile home park or mobile home subdivision shown in Article 600 and the proposed use is compatible with adjacent land uses.

407.2 Permitted Uses

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

- 407.2-1 Mobile home parks as provided for in Section-602.
- 407.2-2 Mobile home subdivisions as provided for in Section-606.
- 407.2-3 Permanent buildings associated with mobile home parks and subdivisions housing management offices, child care centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted, provided that:
 - (a) Parking requirements for such facilities are met.
 - (b) Such uses are subordinate to the residential use and character of the park.
 - (c) A minimum of 30% open space is maintained.

407.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article-700 herein, the Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of Pulaski Town, the following uses may be permitted with appropriate conditions:

- 407.3-1 Neighborhood commercial uses, provided they are designed and intended to meet

the service needs of persons residing in the park or subdivision and its immediate neighborhood.

407.4 Accessory Uses

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

- 407.4-1 Living quarters in main structure of persons employed on the premises.
- 407.4-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work.
- 407.4-3 Signs as provided for in Article 500, Section 506;.
- 407.4-4 Parking as provided for in Article 500, Section 503.
- 407.4-5 Swimming Pool associated with the development.
- 407.4-6 Private storage buildings of less than 300 square feet.

Section 408
RO Residential Office District

408.1 Purpose of the Residential Office District

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

408.2 Permitted Uses in the Residential Office District

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

- 408.2-1 Any use permitted in the R-3 Residential District.
- 408.2-2 Offices and office buildings, business, professional, or administrative, provided that no retailing, wholesaling, or servicing shall be permitted on the premises nor shall the storage or display of merchandise to be serviced or offered for sale elsewhere, and there shall be no machinery or equipment other than machinery or equipment customarily found in offices.
- 408.2-3 Banks, savings and loan or small loan office, drive-in or otherwise.
- 408.2-4 Medical clinics.
- 408.2-5 Employment service or agency.
- 408.2-6 Funeral home or undertaking establishment provided all hearses, or other special vehicles are parked or stored inside a completely enclosed building.
- 408.2-7 Studio for an artist, designer, writer, photographer, sculptor, or musician.

408.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski the following uses may be permitted with appropriate conditions:

408.3-1 Neighborhood commercial uses, provided they are designed and intended to meet the service needs of persons residing in the park or subdivision and its immediate neighborhood.

408.3-2 Columbarium.

408.4 Accessory Uses

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

408.4-1 Living quarters in main structure of persons employed on the premises.

408.4-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work.

408.4-3 Coin-operated and vending machines for food, tobacco, ice, soft drinks, and sundries inside a building and for the use of occupants thereof.

408.4-4 Restaurant or cafeteria, lunchroom or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no public exterior entrances or exits or signs.

408.4-5 Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations and provided such storage area does not exceed 10 percent of the total floor area of the building.

408.4-6 Signs as provided for in Article 500, Section 506.

408.4-7 Parking as provided for in Article 500, Section 503.

408.4-8 Swimming Pool associated with the development.

408.4-9 Private storage buildings.

408.4-10 Temporary family health care structures as set forth in Code of Virginia 15.2-2292.1 as follows:

- (a) Temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on

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

(b) For purposes of this section:

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

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

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

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

(d) Any temporary family health care structure installed pursuant to this section shall be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

- (e) No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (f) Any temporary family health care structure installed pursuant to this section shall be removed within 30 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.
- (g) The Zoning Administrator is vested with all necessary authority on behalf of the governing body of the locality to ensure compliance with this section.

Section 409
Local Business District B-1

409.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a variety of retail shopping, office uses and miscellaneous recreational and service activities, generally serving the Town, its neighborhoods and the surrounding area of the County, and generally located along major thoroughfares or near development centers where retail and service activities now exist or are planned. Low density residential uses are also permitted. To enhance the general character of the district, its function of local and neighborhood service, and its compatibility with its residential surroundings, the size of certain uses is limited and signs are limited to those accessory to businesses conducted on the premises and the number, area, and types of signs are limited. For area regulations see Section 501, Table 1.

409.2 Permitted Uses

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

- 409.2-1 Dwellings are subject to the same requirements as in the R-3 District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements.
- 409.2-2 Automobile service station, so long as bulk storage of inflammable liquids is underground, but not including temporary storage of wrecked or inoperable vehicles or storage or rental of trailers, campers, vans or similar equipment.
- 409.2-3 Bakeries.
- 409.2-4 Banks and other financial institutions.
- 409.2-5 Barber shops or beauty parlors.
- 409.2-6 Bed and breakfast facility.
- 409.2-7 Bicycle sales and repair shops.
- 409.2-8 Catering or delicatessen business.
- 409.2-9 Medical clinics.

- 409.2-10 Drive-in automatic banking or vending machine station. Groups of vending machines shall be contained in a building.
- 409.2-11 Funeral home or undertaking establishment.
- 409.2-12 Janitorial service establishment.
- 409.2-13 Laundries, laundromats or dry-cleaning establishments.
- 409.2-14 Lawn mower, yard and garden equipment, rental, sales and service.
- 409.2-15 Nurseries for growing plants, trees and shrubs.
- 409.2-16 Parking lots, parking spaces and parking areas.
- 409.2-17 Printing, publishing, and engraving establishments, photographic processing or blueprinting.
- 409.2-18 Rental of household items, tools and appliances.
- 409.2-19 Shoe repairing shops.
- 409.2-20 Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
- 409.2-21 Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.
- 409.2-22 Communications station or booth, including drive-in or talk-from-car stations.
- 409.2-23 Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
- 409.2-24 Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations.
- 409.2-25 Houses of Worship

409.2-26 Athletic fields and their customary accessory structures.

409.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski the following uses may be permitted with appropriate conditions:

- 409.3-1 Hospital or clinic for small animals, dogs, cats, birds, and the like provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 409.3-2 Pet shop, animal beauty parlor, hospital or clinic for small animals, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such business be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 409.3-3 Taxidermists.
- 409.3-4 Restaurants, drive-in or otherwise.
- 409.3-5 Radio and television stations and studios or recording studios, but not towers more than 125 feet in height.
- 409.3-6 Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.
- 409.3-7 Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
- 409.3-8 Public utilities or public service or transportation uses, buildings, (including bus stations), generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, substations and major transmission lines.
- 409.3-9 Nursery schools, kindergartens, child care centers, day nurseries, or day care centers.

- 409.3-10 Offices, general business or professional.
- 409.3-11 Hotel, motel, motor lodge, or tourist home.
- 409.3-12 Institutions, educational or philanthropic, including museums' and art galleries.
- 409.3-13 Other retail and service uses which, the Town finds, are of the same general character as those uses listed above may be permitted provided that these and the above specified stores, shops or businesses shall be retail and service establishments primarily selling new merchandise (except antiques) and rendering a personal service and shall be permitted only in accord with the development standards of this Ordinance.
- 409.4-14 Private storage buildings over 300 square feet.
- 409.4-15 Columbarium.

409.4 Accessory Uses

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

- 409.4-1 Living quarters in main structure of persons employed on the premises.
- 409.4-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work.
- 409.4-3 Signs as provided for in Article 500, Section 506.
- 409.4-4 Parking as provided for in Article 500, Section 503.
- 409.4-5 Swimming Pool associated with the development.
- 409.4-6 Private storage buildings under 300 square feet.

409.5 Site Plan Required

Approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties and may include effective screening along side and rear property lines by means of fences,

walls, hedges, planting screen or natural vegetation.

409.6 Screening Requirements

This district shall permit the display, for retail purposes, of merchandise if such sale is otherwise permitted in this zone. This district prohibits the storage, collection or accumulation of any goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in elevation.

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

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

Section 410
General Business District B-2

410.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities, generally serving the Town, a wide area of the County, and the traveling public and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise, associated with manufacturing. For area regulations see Section 501, Table 1.

410.2 Permitted Uses

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

- 410.2-1 Dwellings subject to the same requirements as in the R-3 District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements.
- 410.2-2 Automobile service station, so long as bulk storage of inflammable liquids is underground but not including temporary storage of wrecked or inoperable vehicles or storage or rental of trailers, campers, vans or similar equipment.
- 410.2-3 Automobile, truck, or other vehicle sales, service, and repair, including body or fender repair, but not auto salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building.
- 410.2-4 Automobile or truck parts sales, wholesale or retail, but not junk.
- 410.2-5 Automobile storage lot, new or used cars, but not storage or sale of junk.
- 410.2-6 Automobile used car lot, or used truck sales, but not junk, and any storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building.
- 410.2-7 Bakeries.
- 410.2-8 Banks and other financial institutions, including drive-in automatic banking.

- 410.2-9 Barber shops or beauty parlors.
- 410.2-10 Bed and breakfast facility.
- 410.2-11 Bicycle sales and repair shops.
- 410.2-12 Catering or delicatessen business.
- 410.2-13 Medical clinics.
- 410.2-14 Funeral home or undertaking establishment.
- 410.2-15 Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds.
- 410.2-16 Janitorial service establishment.
- 410.2-17 Laundries, laundromats or dry-cleaning establishments.
- 410.2-18 Lawn mower, yard and garden equipment, rental, sales and service.
- 410.2-19 Nurseries for growing plants, trees and shrubs.
- 410.2-20 Parking lots, parking spaces and parking areas.
- 410.2-21 Printing, publishing, and engraving establishments, photographic processing or blueprinting.
- 410.2-22 Rental of household items, tools and appliances.
- 410.2-23 Stores or shops for the conduct of retail or repair businesses, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
- 410.2-24 Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.
- 410.2-25 Communication station or booth, including drive-in or talk-from-car stations.

- 410.2-26 Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
- 410.2-27 Boat and boat trailer sales and storage.
- 410.2-28 Bottling works, dyeing and cleaning works, linen service, or laundry, furniture refinishing, plumbing, electrical and heating shop, painting shop, upholstering shop not involving furniture manufacture, shoe repair, tinsmithing shop, tire sales, service and installation(including vulcanizing and re-capping but no manufacturing), appliance repairs, and general service and repair establishments, similar in character to those listed in this item, but provided that no outside storage of material is permitted except as provided in this section.
- 410.2-29 Car-wash or automobile laundry, automatic or otherwise, providing reservoir space for not less than five vehicles for each washing lane of an employee-operated facility.
- 410.2-30 Exterminating establishment.
- 410.2-31 Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed, milk depots and creameries, fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building.
- 410.2-32 Garages, parking, storage, or repair.
- 410.2-33 Green houses, commercial, wholesale or retail.
- 410.2-34 Hotel, motel, inn, motor lodge, or tourist home.
- 410.2-35 Institutions, educational or philanthropic, including museums, libraries and art galleries.
- 410.2-36 Lumber and building supply (with storage under cover) and plumbing and electrical supply (with storage undercover).
- 410.2-37 Mobile home sales and display.
- 410.2-38 Monument sales establishments with incidental processing to order, but not including the shaping of headstones.
- 410.2-39 Plumbing and electrical supply sales.

- 410.2-40 Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.
- 410.2-41 Rental or sale of luggage trailers and pick-up truck caps but not including truck trailer bodies except campers and travel trailers.
- 410.2-42 Restaurants, drive-in or otherwise.
- 410.2-43 Self service storage compartments commonly known as mini-warehouses.
- 410.2-44 Sign fabricating and painting shop.
- 410.2-45 Wholesale brokerage or storage establishments with floor area devoted to storage or warehousing limited to 20,000 square feet, but not a truck or freight terminal.
- 410.2-46 Offices, general business or professional.
- 410.2-47 Houses of Worship

410.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski the following uses may be permitted with appropriate conditions:

- 410.3-1 Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 410.3-2 Pet shop, animal beauty parlor, hospital or clinic for small animals, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such business be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 410.3-3 Billiard parlors or pool rooms, bowling alleys, dance halls, theaters, electronic game center, miniature golf, or similar recreational establishments, indoor or outdoor.
- 410.3-4 Carnival or fairgrounds.

- 410.3-5 Nursery schools, kindergartens, etc.
- 410.3-6 Outdoor sales area or flea market.
- 410.3-7 Public utilities or public service or transportation uses, buildings, (including bus stations), generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, substations and major transmission lines.
- 410.3-8 Radio and television stations and studios or recording studios, but not towers more than 125 feet in height.
- 410.3-9 Taxidermists.
- 410.3-10 Other retail and service uses which, the Town Council finds, are of the same general character as those uses listed above may be permitted provided that these and the above specified stores, shops or businesses shall be retail and service establishments primarily selling new merchandise (except antiques) and rendering a personal service.
- 410.3-11 Private storage buildings over 300 square feet.
- 410.3-12 Light manufacturing operations.
- 410.3-13 Columbarium.
- 410.3-14 Outpatient mental health and substance abuse clinic.
- 410.3-15. Pain Management Clinics.

410.4 Accessory Uses

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

- 410.4-1 Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations.
- 410.4-2 Living quarters in main structure of persons employed on the premises.

410.4-3 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work.

410.4-4 Signs as provided for in Article 500, Section 506.

410.4-5 Parking as provided for in Article 500, Section 503.

410.4-6 Swimming Pool associated with the development.

410.4-7 Private storage buildings 300 square feet or less.

410.5 Site Plan Required

Approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end to provide for vehicular interconnections among adjacent properties and effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.

410.6 Screening Requirements

This district shall permit the display, for retail purposes, of merchandise if such sale is otherwise permitted in this zone. This district prohibits the storage, collection or accumulation of any goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in elevation.

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

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

410.7 Additional Conditions for Special Exceptions for Pain Management Clinics

Pain management clinics as a special exception shall be subject to the following conditions in addition to those required under Section 702.4-5 of the zoning regulations:

- Pain management clinics shall not co-locate on the same parcel as a pre-existing pharmacy.

- A pain management clinic shall not operate within 1,000 feet of a residential district; a pre-existing pharmacy, school, day care center, day care home, nursing home, adult day care home, religious institution or another pain management clinic.
- Pain management clinics shall be located within a permanent building.

Section 411
Central Business District B-3

411.1 Purpose of the District

The purpose of this district is to provide for an appropriate variety of uses in the historic center for commercial, financial, professional, governmental and cultural activities. It is intended to promote a convenient and relatively compact arrangement of uses and buildings and to this end required yards are minimal, permitted building bulk and coverage is relatively high and no off-street parking is required for individual uses in recognition of a shared responsibility to provide centralized parking facilities at selected locations. High density residential development is permitted to encourage housing convenient to places of shopping and work. Signing and outdoor storage are restricted in order to promote an attractive and stable urban environments. For area regulations see Section 501, Table 1.

411.2 Permitted Uses

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

- 411.2-1 Dwellings subject to the same requirements as in the R-3 District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements.
- 411.2-2 Automotive filling stations consisting of an office and pumps for the sale of fuel and lubricants, so long as bulk storage of flammable liquids is underground and there is no exterior display of merchandise and no exterior facilities for service, maintenance or washing, and provided no lighting fixture extends to a height greater than 20 feet, but not including temporary storage of wrecked or inoperative vehicles or storage or rental of luggage trailers, campers, vans, or similar equipment.
- 411.2-3 Bakeries.
- 411.2-4 Banks and other financial institutions.
- 411.2-5 Barber shops or beauty parlors.
- 411.2-6 Bicycle sales and repair shops.
- 411.2-7 Funeral home or undertaking establishment.

- 411.2-8 Furniture, upholstery and appliance repairs.
- 411.2-9 Hotel, motel, inn, motor lodge or tourist home.
- 411.2-10 Institutions, educational or philanthropic, including museums, libraries and art galleries.
- 411.2-11 Laundries, laundromats or dry-cleaning establishments.
- 411.2-12 Offices, general business or professional.
- 411.2-13 Parking lots, parking garages, parking spaces and parking areas.
- 411.2-14 Plumbing and electrical supply sales, retail only.
- 411.2-15 Printing, publishing, and engraving establishments, photographic processing or blueprinting.
- 411.2-16 Rental of household items, tools and appliances.
- 411.2-17 Restaurants, catering businesses, delicatessens or ice cream parlors, for service of food for consumption primarily on the premises, including outdoor eating area.
- 411.2-18 Stores or shops for the conduct of retail business, including sale of accessories, antiques, home or office appliances, art or art supplies, auto parts and accessories, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, hardware, hobby supplies, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops, and incidental repair of products sold on the premises.
- 411.2-19 Studios or shops for artists, photographers, writers, teachers, jewelers, tailors, weavers or other crafts, sculptors or musicians.
- 411.2-20 Telephone station or booth, including drive-in or talk-from-car-stations.
- 411.2-21 Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
- 411.2-22 Houses of Worship
- 411.2-23 Medical clinic.

411.3 Special Exceptions

When after review of an application and hearing thereon, in accordance with Article-700 herein, the Pulaski Town Council finds as a fact that the proposed use is compatible with surroundings uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with all other provisions of law and ordinances of the Town of Pulaski the following uses may be permitted with appropriate conditions:

- 411.3-1 Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels, be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 411.3-2 Pet shop, animal beauty parlor, hospital or clinic for small animals, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such business be operated in such a way as to produce no objectionable noise or odors outside its walls.
- 411.3-3 Apartments or other dwellings designed as an integral part of a building or group of buildings containing offices, retail or commercial uses. In approving such mixed use developments due consideration shall be given to such matters as fire safety, light and air, size and number of dwelling units and means of access thereto, location and number of parking spaces, location of dwellings with respect to commercial uses, and amenities provided for use of residential occupants.
- 411.3-4 Billiard parlors or pool rooms, bowling alleys, dance halls, theaters, electronic game center or similar recreational establishments.
- 411.3-5 Drive-in facility accessory to a restaurant, bank or savings and loan office.
- 411.3-6 Radio and television stations and studios or recording studios, but not towers more than 125 feet in height.
- 411.3-7 Taxidermists.
- 411.3-8 Light Manufacturing
- 411.3-9 Columbarium.

411.4 Accessory Uses

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

- 411.4-1 Living quarters in main structure of persons employed on the premises.
- 411.4-2 Temporary buildings for uses incidental to construction work, such buildings, shall be removed upon completion or abandonment of the construction work.
- 411.4-3 Signs as provided for in Article 500, Section 506.
- 411.4-4 Parking as provided for in Article 500, Section 503.
- 411.4-5 Swimming Pool associated with the development.
- 411.4-6 Private storage buildings 300 square feet or less.

411.5 Screening Requirements

This district shall permit the display, for retail purposes, of merchandise if such sale is otherwise permitted in this zone. This district prohibits the storage, collection or accumulation of any goods, saleable or not, in outdoor areas unless all the areas in which such goods exist are screened from public view by an opaque obstruction at least eight (8) feet in elevation.

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

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

Section 412
I-1 Industrial/Commercial District

412.1 Purpose of the District

The purpose of the I-1 District is to allow, wholesale, warehouse, industrial and heavy commercial activities conducted within completely enclosed buildings or within screened areas. The I-1 District is structured as a planned unit district. For area regulations see Section 501, Table 1.

412.2 Permitted and Prohibited Uses

412.2-1 Permitted Uses

The I-1 District is structured as a planned unit district to permit uses to include the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials.

Location of specific firms shall be in an area zoned I-1 or rezoned I-1 only as a result of the approval of a site plan which has been developed to address both on-site and off-site impacts of the proposed development, which is recommended by the Planning Commission and approved by the Town Council.

Employment is anticipated to be less than 100 persons per shift. Building size is anticipated to be 20,000 square feet or less.

412.2-2 Prohibited Uses

Uses of any kind which have been shown by engineering or other professional studies to cause an adverse impacts upon adjacent properties as a result of traffic, congestion, storm water runoff, or emissions.

Uses involving outside storage.

412.3 Site Plan Required

A variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony of architecture shall prevail among developments so that no improvement shall detract from the appearance of the neighborhood. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. The site plan shall include a landscaping plan which provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design

of the proposed buildings, parking, and all other improvements to the site.

Proposed uses in the I-1 District shall be proposed by a complete site plan and submitted for consideration by the Planning Commission and Town Council. The site plan is to be submitted in accordance with the provisions of the Pulaski Town Zoning Ordinance and addressing the standards enumerated herein prior to initiation of construction. The finding in fact by the Town Council that the proposed project is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with other provisions of law and ordinances, the approved site plan shall control the development of the site, until such time as an amended plan shall be approved.

Section 413
I-2 Industrial District

413.1 Purpose of the District

The purpose of the I-2 District is allow industrial uses which are developed in a manner which ensures that the environmental and visual impacts of the development are minimized to the extent possible, and by maintaining a high quality corporate image. The I-2 District is structured as a planned unit district. For area regulations see Section 501, Table 1.

413.2 Permitted and Prohibited Uses

413.2-1 Permitted Uses

Permitted Uses of the I-2 District are industrial uses which process raw materials for other industrial processes, require outside storage of raw materials, interim products, and finished goods.

Location of specific firms shall be in an area zoned I-2 or rezoned I-2 only as a result of the approval of a site plan which has been developed to address both on-site and off-site impacts of the proposed development, which is recommended by the Planning Commission and approved by the Town Council.

413.2-2 Prohibited Uses

Uses of any kind which have been shown by engineering or other professional studies to cause an adverse impact upon adjacent properties as a result of traffic, congestion, storm water runoff, or emissions.

413.3 Site Plan Required

A relatively wide variety of architectural design and materials shall be permitted. However, it is intended that a basic harmony of architecture shall prevail among developments so that no improvement shall detract from the appearance of the neighborhood. Individuality and creativity are encouraged provided that blending of design into the parcel's surrounding context is achieved. The general design context must reflect a high quality corporate image. The site plan shall include a landscaping plan which provides for landscaping and maintenance of the entire parcel being developed. The site plan shall provide information on the design of the proposed buildings, parking, and all other improvements to the site.

Proposed uses in the I-2 District shall be proposed by a complete site plan and submitted for consideration by the Planning Commission and Town Council. The site plan is to be submitted in accordance with the provisions of the Pulaski Town Zoning Ordinance and addressing the standards enumerated herein prior to initiation of construction. The finding in fact by the Town Council that the proposed project is compatible with surrounding uses, is consistent with the intent of this

Ordinance and of the Comprehensive Plan, is in the public interest, and will comply with other provisions of law and ordinances, the approved site plan shall control the development of the site, until such time as an amended plan shall be approved.

Section 414
Drop Site District

414.1 The purpose of this district is to facilitate the orderly collection and removal of items, which may be reprocessed into other or similar materials; and other items that require permanent disposal in a landfill or other such permanent storage facility. The district may also accommodate those facilities involved in the provision of public utilities and public services. For area regulations see Section 501, Table 1.

414.2 Definitions

Drop Site - a zoning district designated by the Town Council of the Town of Pulaski, Virginia, that serves as a temporary collection point for the orderly collection and disposal of recyclable and non-recyclables or heavy items.

Operator - an individual or entity licensed by the Town Council to operate a Drop Site.

Recyclables - items that may be reprocessed into other or similar materials. Such items may include newspaper; aluminum and metal cans; clear, brown, and green plastic; clear, brown, green colored glass; tires from residential (non-commercial activity) and such other items that may be recycled as determined by the Town Manager.

Non-recyclables or heavy items - items defined as old furniture; stoves; refrigerators; freezers; washers; dryers; hot water heaters; air conditioners; scrap metal.

Temporary - as applied to this district, a period of time not to exceed seven consecutive days.

Prohibited Items - materials that may not be accepted into the drop-site including but not limited to: liquids, construction debris; old automobiles and automobile parts; household waste; barrels; or hazardous substances/hazardous waste.

Hazardous Substances - any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Waste - means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (Code of Virginia Section 10.1-1400).

Household Waste - means any waste material including garbage, trash and refuse derived from households. Households include single, dual, and multi-family residences, manufactured homes, recreational vehicles, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. (9VAC20-130-10) of Virginia's Administrative Code.

414.3 Permitted Uses

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

414.4 Permitted Signs

1. Flat signs with a total sign area limited to 32 square feet, one for each entrance to the site to identify the site, its address, permitted items that may be deposited at the site, and items prohibited from the site.
2. Directional signs limited in area to two square feet in such number and in such locations as required for proper management of the premises and identifications of respective locations for depositing specific classes of items. Such signs shall not be included in any computation of sign area.

414.5 Lot Size Standards

There are no minimum lot size standards in the Drop Site except as may be required by the Health Official for uses utilizing individual or on-site sewage disposal systems.

414.6 Placement Standards

Dumpsters or other industry standard containers shall be placed at the discretion of the Town Council and shall be placed appropriately to enable satisfactory access.

414.7 Special Regulations for the Drop Site

1. Dumpsters may be screened or landscaped at the discretion of the Town Manager so as to minimize visibility and not affect the aesthetics of the surrounding area.

2. The drop site shall be staffed during the hours of operation.
3. The drop site shall be lighted to provide adequate visibility for purposes of operation and security. Lighting shall be directed in such a manner that it shall be focused on the site to prevent disturbance of nearby dwellings.
4. This site shall be kept neat and orderly. No loose debris or items resting on the ground is permitted.
5. All recyclable and non-recyclable/heavy items deposited at the site shall be placed in approved industry standard container units designed for storage/transport/disposal of such items.
6. Dumpsters and industry standard container units may rest on a concrete pad large enough to prohibit the container from resting directly on the ground.
7. Spaces for dumpsters, which are recessed into the ground for above ground off-loading of items from vehicles, shall have a bumper at the end of the recess where the dumpster is placed. Crusher belts or other appropriate material shall be placed around the upper perimeter of the dumpster recess to prevent items or debris from falling between the dumpster and the storage recess.
8. The number of tires accepted at the site shall be consistent with PSA policies. Tire disposal shall be for residential disposal only.

Section 415 Historic District

415.1 Purpose of the District

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

415.2 Criteria for Establishing Historic Districts

1. **General Character.** The boundaries of the (H) Historic District shall in general be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character, and a reasonable distance beyond, or it may include areas or groupings of structures which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone. In any case the location of the district shall be based upon careful studies which describe the characteristics of the area and support the purposes of conservation and preservation.

2. **Inventory of Landmarks and Contributing Properties Established.** The Architectural Review Board as herein established below shall prepare and recommend for adoption as a part of this Ordinance an inventory map covering the area to be considered for inclusion in an (H) Historic District and based upon the criteria set forth in this Ordinance. This map, hereinafter called the inventory map, when adopted shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance by the Recorder of the Town of Pulaski. All structures or sites designated on said map as landmark structures or sites shall be considered as landmarks or landmark structures for the purposes of this Ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as non-contributing properties. The inventory map may be amended from time to time in the same manner as the zoning district map.

415.3 Procedure for Establishment of Historic Districts and Amendments to Historic District Boundaries and Regulations

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

415.4 Application of the District -Relation to Other Zoning Districts

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

415.5 Permitted Uses

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

1. Any use, accessory use, or sign permitted in the zoning district in which the premises are situated and upon which the H Historic District is superimposed. The normal maintenance of an historic area or building or the charging of admission fees for visitors, or the conduct of visitor tours, centers or services within the (H) Historic District shall not be considered as commercial uses.
2. Any special exception permitted in the zoning district in which the premises are located

subject to the procedures and standards of this Ordinance for approval of special exceptions and subject in all cases to report by the Architectural Review Board in accordance with the purposes and standards of the (H) Historic District.

3. Any special exception or variance permitted in the zoning district in which the premises are located, subject to the procedures and standards of this Ordinance for approval of special exceptions and variances and subject to report by the Architectural Review Board and specific findings of the Board of Zoning Appeals regarding the purposes and standards of the (H) Historic District; provided, however, that if said special exception or variance is of such a minor nature as to be exempted from review by the Architectural Review Board by the terms of the regulations in the (H) Historic District, then no such review or report shall be required.

415.6 Architectural Review Board Established

1. **Creation.** For the general purposes of this article as herein stated and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB). The members of said Architectural Review Board shall be appointed by the Town Council.
2. **Membership.** The Membership shall consist of five members.
3. **Terms.** Members shall be appointed for a term of four years. Initial appointments shall be three members for four years, and remaining members for two years. The term of any Planning Commission Member shall be concurrent. with his/her appointment to the Planning Commission. Vacancies shall be filled within 60 days.
4. **Qualifications.** A majority of the membership shall be residents of the Town and all shall have a demonstrated interest, competence, or knowledge in historic preservation. At least one member shall be a registered architect with a demonstrated interest in historic preservation, at least one additional member shall have professional training or equivalent experience in architecture, history, architectural history, archaeology, or planning and one member shall be a member of the Town Planning Commission.
5. **Organization.** The Board shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Board shall appoint a secretary who shall serve at their pleasure and such other staff as they deem necessary.
6. **Rules.** The Board shall meet in regular session at least once a month, whenever an

application has been filed for their consideration or in any case at least once per quarter. Special Meetings of the Board may be called by the Chairman or a majority of the members after twenty-four hours written notice to each member served personally or left at his usual place of business or residence. Such notice shall state the time and place of a meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the Board. The Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia. The Board shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the Town seven days prior to the meeting.

7. Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, or relocation within the historic district. In addition, the Board shall have the following duties:
 - a. To assist and advise the Town Council, the Planning Commission, and other Town departments, agencies and property owners in matters involving historically significant sites and buildings, or other properties in historic districts such as, but not limited to, appropriate land usage, parking facilities, and signs.
 - b. To continuously evaluate conditions and advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
 - c. To conduct studies deemed necessary by the Town Council or Planning Commission concerning location of historic districts, and means of preservation, utilization, improvement and maintenance of historic assets in the Town.
 - d. To propose additional historic districts or additions or deletions to districts.
 - e. To adopt standards for review to supplement the standards set forth in this Ordinance.
 - f. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.

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

415.7 Summary of Administrative Review Procedures

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

415.8 Certain Minor Actions Exempted from Review by the Architectural Review Board

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

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.
3. Addition or deletion of storm doors or storm windows, window gardens, awnings, canopies, or similar appurtenances and portable air conditioners located in existing windows, doors or other existing wall openings.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.

5. Landscaping involving minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds and the like, which will not substantially affect the character of the property and its surroundings.
6. Minor additions or deletions to a building or accessory building or structure which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.
8. Erection of any sign permitted in a residential district and any permitted non-illuminated wall sign not exceeding 32 square feet in area in a business or industrial district.
9. Construction of off-street loading areas and off-street parking areas containing five spaces or less in a business or industrial district.
10. Creation of outside storage in a business or industrial district which does not require structural changes or major grading and is not visible from a public street.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district. The Architectural Review Board shall periodically review the list of exemptions contained in this section and make recommendations to the Zoning Administrator as necessary to accomplish the purposes of these regulations or recommend to the Town Council that the list of exemptions be changed by amendment.

415.9 Approval of Architectural Review Board Required

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

General examples of "non-substantial" alterations:

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

Examples of work constituting "substantial alteration" include those minor actions exempted from review by Section 607.

General examples of work constituting "substantial alterations" include:

- Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District adjacent to a designated landmark site.
2. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour or outline.
3. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces and the like.
4. Addition or removal of one or more stories or alteration of a roof line.
5. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half feet in height.
6. All signs except those exempted in Section 506.
7. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the historic district. In any case in which there might be some question as to whether a project may be exempted from review may constitute a minor action or may constitute "substantial alteration," the Zoning Administrator shall be contacted for an interpretation prior to commencement of work.

415.10 Certificate of Appropriateness

Evidence of the approval required under the terms of the H Historic District shall be a certificate of appropriateness issued by the Architectural Review Board, or the Administrator as the case may require, stating that the demolition, moving or changes in the exterior architectural appearance of the proposed construction, reconstruction, alteration or restoration for which application has been made are approved by the Architectural Review Board or the Administrator as the case may require. The

Architectural Review Board, or the Administrator in a case within his authority, may permit modifications of original proposals if such modifications are formally acknowledged, clearly described and recorded in the records of the case. A certificate of appropriateness shall be in addition to any other permits required. Any action by applicants following issuance of a permit requiring certificate of appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

415.11 Standards for Review

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

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

g. The present character of the setting of the structure or area and its surroundings.

2. Guidelines for New Construction

a. Where new construction is proposed the design should take into account those special visual and spacial qualities that the H Historic District is established to protect, including building heights; scale of buildings; orientation, spacing and site coverage of buildings; facade proportions and window patterns; size, shape and proportions of entrance and porch projections; materials, textures, color; architectural details; roof forms; horizontal or vertical emphasis; landscaping, walls and fences. Since architectural styles and details vary from one section of the H Historic District to another, application of architectural guide-lines for new construction should recognize relationships among buildings in the immediate setting rather than specific styles or details.

3. Guidelines for Rehabilitation or Alteration of Existing Structures

a. Every reasonable effort should be made to provide a compatible use for a property which requires minimal alteration of the building structure or site and its environment, or to use a property for its originally intended purpose.

b. The distinguishing original qualities or character of a building structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures and sites should be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance should be discouraged.

d. The age and character of an historic structure, its condition and its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.

e. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.

f. The view of the structure or area from a public street or road present and future.

g. The present character of the setting of the structure or area and its surroundings.

h. Every reasonable effort should be made to protect and preserve archeological resources affected by, or adjacent to any property.

i. Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property and its surroundings.

j. Whenever possible, new additions or alterations to structures should be undertaken in such a manner that if such additions or alterations were to be removed in the future the essential form and integrity of the structure would be unimpaired.

4. Guidelines for Moving or Relocation of a Landmark Building or Structure

a. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.

b. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the district.

c. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building or contributing structure.

d. Whether or not plans for future use of the site after relocation are appropriate at this location in the district.

e. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

5. Guidelines for Demolition

a. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.

b. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State or local historic landmark

c. Whether or not retention of the building or structure would help to preserve and protect an historic place or area of historic interest in the Town.

d. Whether or not plans for future use of the site after demolition are appropriate at this location in the district.

6. Guidelines for Signs. Signs should relate to, rather than obscure and disrupt, the design elements of the building with which they are associated or to which they are attached. Signs should also be compatible with other signs and buildings along the street. Considerations for compatibility include dimensions, subject matter, materials, color, letter styles, legibility, lighting, overall effect and placement on the lot or on the building. In the business district projecting signs and detached signs should be limited to 32 square feet of sign area and should be non-illuminated or indirectly illuminated. Detached signs should not exceed fifteen feet in height.
7. Guidelines for Parking Areas. All parking areas should be suitably landscaped and where appropriate screened from public view by fences, walls or screen planting. Paved parking areas other than driveways should generally be located to the side or rear of buildings and not located between a building and the street.
8. Guidelines for Landscaping and Accessory Structures. Plants, trees, fencing, walls, walkways, gazebos and other out buildings should be retained or designed to reflect the property's history and development. Underground utilities should be encouraged at all locations. Mechanical equipment should be placed in inconspicuous locations. Municipal utility appurtenances should be selected to harmonize with the character of the historic district or placed in inconspicuous locations.

415.12 Alternate Procedure: Offer to Sell

In addition to the right of appeal herein above set forth, the owner of a designated landmark, building or structure, the razing or demolition of which is subject to the provisions of Section 607 hereof, shall as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (1) he has applied to the Town Council for such right; (2) the owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (3) that no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained.

Any appeal which may be taken to the court from the decision of the Town Council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Town Council, but thereafter the owner may renew his request to the Town Council to approve the razing or demolition of the designated landmark, building or structure. The time schedule for offers to

sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars; four months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars; five months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars; six months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars or more but less than ninety thousand dollars; and twelve months when the offering price is ninety thousand dollars or more.

415.13 Hazardous Buildings or Structures

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

415.14 Maintenance and Repair Required

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

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

After notice by the Architectural Review Board by certified or registered mail of specific instances of

failure to maintain or repair and of an opportunity to appear before the Architectural Review Board, the owner or person in charge of said structure shall have 90 days to remedy such violation. Thereafter, each day during which there exists any violation of this section shall constitute a separate offense and shall be punishable as provided in this ordinance. In the alternative, if the owner fails to act, the Architectural Review Board may order the Administrator, after due notice to the owner, to enter the property and make or cause to be made such repairs as are necessary to preserve the integrity and safety of the structure and the reasonable costs thereof shall be placed as a lien against the property or, in a proper hardship case, paid by the Town from a fund established for such purposes.

415.15 File of Actions to be Maintained

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

415.16 Administration

1. Zoning Administrator. Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, integral exterior facade change, demolition or razing of a building or structure in the Historic District until the same has been approved by the Architectural Review Board as set forth in the following procedures.
2. Receipt of Application. Upon receipt of an application by the Zoning Administrator for each permit in the historic district, the Zoning Administrator shall:
 - a. Forthwith forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant;
 - b. Maintain in his office a record of all such applications and of his handling and final disposition of the same;
 - c. Require applicants to submit three (3) copies of material required to permit compliance with the foregoing.
3. Material to be Submitted for Review. By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character,

proposed exterior lighting arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent.

For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form the Administrator may require additional information, including photographs, sketches and samples of materials or such other information as may be required for a decision.

4. Other Approvals Required. In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Architectural Review Board. The Board of Zoning Appeals may however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval. Preliminary subdivision plats shall be reviewed and commented upon by the Architectural Review Board prior to final action by the Planning Commission.
5. Action by the Architectural Review Board; Issuance of Certificates of Appropriateness. The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within 60 days after the filing of an application accepted as complete; failure of the Architectural Review Board to render such a decision within said 60 day period unless such period be extended with the concurrence of the applicant shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board, would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.
6. Expiration of Certificates of Appropriateness and Permits to Raze. Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of twelve months after being commenced. Any period or periods of time during which the right to

use any such certificate or permit is stayed pursuant to this article shall be excluded from the computation of the twelve months.

7. Inspection by Administrator After Approval. When a Certificate of Appropriateness has been issued, the Administrator shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violating any ordinances of the Town. The Administrator may revoke the certificate or the building permit if violations are not corrected by the applicant in a timely manner.

415.17 Delay of Approval

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

415.18 Conditions Imposed by the Architectural Review Board

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

415.19 Appeal to the Town Council

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

415.20 Appeal to the Circuit Court from a Decision of the Town Council

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

415.21 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, Article 900.

415.22 Definitions

For the purpose of this section, certain terms and words pertaining to the H Historic District are hereby defined. The general rules of construction contained in Article 1100 are applicable to these definitions.

1. Alteration is any change, modification or addition to a part or all of the exterior of any building or structure.
2. Building is any enclosed or open structure which is a combination of materials to form a construction for occupancy or use.
3. Administrator, the Zoning Administrator, that person appointed by the Town Manager as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building.
4. Building Permit is an approval statement signed by the Building Permit Office authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building.
5. Certificate of Appropriateness is a certificate or other statement indicating approval by the Administrator or the Architectural Review Board as the case may require of plans for construction alteration, reconstruction, repair, restoration, relocation, demolition or razing of a building or structure or part thereof in a historic district.

6. Contributing Properties are properties so designated on the inventory map of landmarks and contributing properties which is adopted as a part of this Ordinance, being generally those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the part of the Historic District in which they are located but which by reason of recent age, lack of historic significance or other factors are not designated as historic landmarks under the criteria of this Ordinance.
7. Demolition is the dismantling or tearing down of all or part of any building and all operations incidental thereto.
8. Historic District means an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
9. Historic Landmark is defined as any building or place listed on the National Register of Historic Places or on the Register of the Virginia Historic Landmarks Commission, or any building or place officially designated as a landmark structure or place by the Town of Pulaski on the inventory map which is adopted as a part of this Ordinance.
10. Reconstruction is any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.
11. Repairs are any or all work involving the replacement of existing work with equivalent material for the purpose of maintenance, but not including any addition, change, or modification in construction.
12. Restoration is any or all work connected with the returning to or restoring of a building, or a part of any building, to its original condition through the use of original or nearly original materials.

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

Section 416
Flood Overlay District (FD)-Amended 01/06/09

416.1 General Provisions

Section 416.1-1. Purpose.

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

- (1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding.
- (3) Requiring all those uses, activities and developments that do occur in flood prone districts to be protected and/or floodproofed against flooding and flood damage.
- (4) Protecting individuals from buying land and structures which are unsuited for their intended purposes because of flood hazards.
(Ord. No. 91-17, § 14-196, 7-2-1991)

Section 416.1-2. Applicability.

The provisions of this article shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Emergency Management Agency.
(Ord. No. 91-17, § 14-197, 7-2-1991)

Section 416.1-3. Compliance and Liability.

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

- (c) This article shall not create liability on the part of the town or any officer or employee of the town for any flood damages that result from reliance on this article or any administrative decision lawfully made pursuant to this article.
(Ord. No. 91-17, § 14-198, 7-2-1991)

Section 416.1-4. Abrogation and Greater Restrictions.

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

(Ord. No. 91-17, § 14-199, 7-2-1991)

Sec. 416.1-5. Penalties.

- (a) Any person who fails to comply with any of the requirements or provisions of this article or directions of the building official or any other authorized employee of the town shall be guilty of a class 1 misdemeanor and subject to the penalties for a class 1 misdemeanor.
- (b) In addition to the penalties prescribed in subsection (a) of this section, all other actions are reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of or noncompliance with this article shall not excuse the violation or noncompliance nor permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.
(Ord. No. 91-17, § 14-201, 7-2-1991)

Section 416.1-6. Definitions.

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

Base flood and *100-year flood* mean a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Base flood elevation (BFE) means the Federal Emergency Management Agency designated 100-year water surface elevation plus one additional foot in elevation.

Board of Zoning Appeals means the board appointed to review appeals made by individuals with regard to decisions of the building official in the interpretation of this article.

Development means any manmade change to improved or unimproved real estate, including but

not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FIS means flood insurance study.

Flood means:

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

Floodplain means:

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

Floodprone area means any land area susceptible to being inundated by water from any source.

Floodway means the designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily

determined by the secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior in states without approved programs.

Manufactured home means a structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

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

New construction for the purposes of determining insurance rates, means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the town and includes any subsequent improvements to such structures.

Recreational vehicle means a vehicle which is:

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

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

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start of construction means either the first placement

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

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

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

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

Cross references: Definitions generally, § 1-2.

Section. 416.1-7—416.1-30. Reserved.

416.2 Establishment of Floodplain districts

Sec. 416.2-1. Description of Districts.

(a) *Basis of districts.*

- (1) The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood as shown on The Flood Insurance Study and the Flood Insurance Rate Maps prepared for the county of Pulaski by the Federal Emergency Management Agency, dated September 26, 2008 as amended.
- (2) This subsection (a)(4) is for use where a floodway has been delineated and separate floodway and flood-fringe districts will be established.
 - a. The floodway district is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface

elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in table 4 of the flood insurance study and shown on the accompanying Flood Insurance Rate Maps.

b. The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year flood elevations contained in the flood profiles of the flood insurance study and as shown on the accompanying Flood Insurance Rate Maps.

- (3) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific 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 Floodprone Quadrangles, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the town.
- (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 in subsection (a) of this section shall be overlays to the existing underlying districts as shown on the official zoning ordinance map; and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- (2) In the event of any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- (3) If any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
(Ord. No. 91-17, § 14-215, 7-2-1991)

Section 416.2-2. Official Floodplain Map.

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

(Ord. No. 91-17, § 14-216, 7-2-1991)

Section 416.2-3. District Boundary Changes.

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

(Ord. No. 91-17, § 14-217, 7-2-1991)

Section 416.2-4. Interpretation of District Boundaries.

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

(Ord. No. 91-17, § 14-218, 7-2-1991)

Sections 416.2-5—416.2-300 Reserved.

416.3 District Provisions

Section 416.3-1. General provisions.

- (a) *Permit requirement.* All uses, activities and development occurring within any floodplain district 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 article and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and chapter 74. Prior to the issuance of any such permit, the building official shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U.S. Army Corps of Engineers, the state water control board, and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal

shall be given by the applicant to all affected adjacent jurisdictions, the Division of Dam Safety and Floodplain Management, and the Federal Emergency Management Agency.

- (c) *Site plans and permit applications.* All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:
 - (1) For structures to be elevated, the elevation of the lowest floor (including basement).
 - (2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
 - (3) The elevation of the 100-year flood.
 - (4) Topographic information showing existing and proposed ground elevations.

- (d) *Manufactured homes.* Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (e) *Recreational vehicles.*
 - (1) Recreational vehicles placed on sites shall either:
 - a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
 - b. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in subsection (d) of this section.
 - (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.
(Ord. No. 91-17, § 14-230, 7-2-1991)

Section 416.3-2. Floodway District.

In the floodway district, no encroachments, including fill, new construction, substantial improvements or other development, shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.
(Ord. No. 91-17, § 14-231, 7-2-1991)

Section 416.3-3. Permitted Uses and Activities in the Floodway District.

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

- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- (3) Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas.
- (4) Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.
(Ord. No. 91-17, § 14-232, 7-2-1991)

Section 416.3-4. Flood-Fringe and Approximated Floodplain Districts.

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

(Ord. No. 91-17, § 14-233, 7-2-1991)

Section 416.3-5. Design criteria for utilities and facilities.

- (a) *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems or discharges from the systems into the floodwaters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.
- (b) *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.
- (c) *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town may require a primarily underground system to accommodate frequent floods and a secondary

surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

- (d) *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in flood prone areas shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- (e) *Streets and sidewalks.* Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. No. 91-17, § 14-234, 7-2-1991)

Cross references: Utilities, ch. 86.

Section 416.3-6. Shallow Flooding District

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated at least one foot above the flood depth specified on the Flood Insurance Rate Map.
- (b) All new construction and substantial improvements of non-residential structures shall,
 - 1. Have the lowest floor, including basement, elevated to at least one foot above the flood depth specified on the Flood Insurance Rate Map 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.

Sections. 416.3-6—416.3-120. Reserved.

416.4. Variances

Section 416.4-1. Factors to be Considered.

- (a) In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in the zoning ordinance and consider the following additional factors:
 - (1) The danger to life and property due to increased flood heights or velocities

caused by encroachments. No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the 100-year flood elevation.

- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (5) The importance of the services provided by the proposed facility to the town.
 - (6) The requirements of the facility for a waterfront location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
 - (12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (13) Such other factors which are relevant to the purposes of this article.
- (b) 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.
- (c) Variances shall be issued only after the Board of Zoning Appeals has determined that

the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

- (d) Variances shall be issued only after the Board of Zoning Appeals has determined that variance will be the minimum required to provide relief from any hardship to the applicant.
- (e) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- (f) A record shall be maintained of the notification specified in subsection (e) of this section as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Emergency Management Agency.
(Ord. No. 91-17, § 14-250, 7-2-1991)

Sections. 416.4-2—416.4-20. Reserved.

416.5. Existing Structures in Floodplain Districts

Section 416.5-1. Nonconforming Structures and Uses.

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

- (1) Existing structures in the floodway district shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.
- (2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall be elevated and/or floodproofed to the greatest extent possible.
- (3) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code.
(Ord. No. 91-17, § 14-260, 7-2-1991)

**ARTICLE 500
USE REGULATIONS**

**Section 501
Area Regulations**

Area and density regulations are provided by District in the Lot Regulations, Table 1.

501-1 Authorized Modifications of Yard Requirements.

The following modifications of the yard requirements are allowed:

- 501.1-1 An uncovered or covered porch or deck may project into a required front yard for a distance not exceeding five (5) feet;
- 501.1-2 A patio may be included as open space in meeting open space requirements and may be included as yard area in meeting yard dimension requirements provided no structure is closer than five (5) feet of the property line. No patio or open court area may be located in the front yard of a lot without adequate screening;
- 501.1-3 Minimum setback requirements of this Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback but not less than the median average of the existing setbacks on the existing developed lots;
- 501.1-4 Signs advertising sale or rent of premises may be erected up to the property line. Refer to Section 506 for sign size limitation.

501.2 Special Provisions for Corner Lots

- 501.2-1 Of the two (2) sides of a corner lot in residential districts, the front shall be deemed to be the shorter of the two sides fronting on streets, except in manufactured home subdivisions where the front shall be the longer of the two sides. Of the two (2) sides of a corner lot in any non- residential district on which a building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the side of the lot on which the building or structure fronts and has its primary pedestrian access. Of the two (2) sides of a corner lot in any non-residential district on which no building or structure exists as of the effective date of this Chapter, the front shall be deemed to be the longer of the two (2) sides fronting on streets;
- 501.2-2 The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

Table 1
 Lot Regulations by District—Town of Pulaski Zoning
 (Main Zoning Districts)

District	Minimum Lot Size***	Minimum Setback*	Minimum Width at Setback	Minimum Lot Depth	Minimum Side Yard****	Minimum Rear Yard	Minimum Frontage	Maximum Height	Maximum Lot Coverage
RR-1	22,500 sqft.	35'	150'	150'	12'	25'	25'	35'	
R-1	12,500 sqft.	35'	100'	100'	12'	25'	25'	35'	
R-2	10,000 sqft.	35'	100'	100'	10'	25'	25'	35'	
R-3	8,500 sqft (a)	25'	75'	100'	5'	25'	25'	35'	30%
R-4	4,000 sqft. (a)	25'	50'	80'	5'	25'	25'	35'	60%
RO-1	10,000 sqft.	25'	100'	100'	10'	25'	25'	35'	50%
R-5 (Permitted Use)	43,560 sqft	25'	150'	150'	5'	25'	25'	35'	
R-5 PUD	-----	-----	Requires	Detailed	Plan	-----	-----	-----	
MH-1	43,560 sqft. MH Park	35'	150'	300'		35'			
MH-1 Park Lot	7,200 sqft MHP	-----	Requires	Detailed	Plan	10'	-----	-----	
B-1	NA		-----	-----	(b)	-----	-----	48'	
B-2	5,000 sqft.	25'	25'	-----	(b)	-----	-----	35'	
B-3	N/A	N/A	-----		(b)	-----	-----	48'	
I-1	20,000 sqft.	-----	Requires	Detailed	Plan	-----	-----	-----	
I-2	43,560 sqft.	-----	Requires	Detailed	Plan	-----	-----	-----	

Lot Regulation Notes

- (a) R-3 and R-4 lot area add 5,000 square feet for each added unit in multi-family development and increase lot width by 50 feet. Lot coverage=30%
- (b) Single-family residential uses use R-2 requirements.
- (c) Where both public water and sewer are NOT provided, the lot size is increased by 20,000 sqft. or more as required by the Health Dept. ***

*60' from the center line of streets of less than 50' ROW.

Add 10 feet for corner lots. Minimum setback requirements of the Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

**The height limit for dwellings may be increased up to 48 feet and up to three stories provided each side yard is 20 feet, plus 1 foot or more of side yard for each additional foot of building height over 35 feet.

A public or semi-public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that the required front, side, and rear yards shall be increased 1 foot for each foot in height over 35 feet. Church spires, belfries, cupolas, municipal water towers, chimneys, flue, flagpoles, communications antenna and aerials area exempt. Satellite dish antennas are not exempt.

For buildings over 48 feet in height, approval shall be obtained from the Town. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.

***All uses within 500 feet of the public system are required to connect to the system.

Parapet walls are permitted up to 4 feet above the height of the building on which the walls rest.

****All property located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a 10 foot side yard on the side or sides adjoining or adjacent to the residential district.

*****The minimum distance between buildings may be reduced to 10 feet provided fire rated construction is utilized i.e.—1 hour rated materials

Table 1. Accessory Buildings*****
 Lot Regulations by District
 Town of Pulaski Zoning

District	Minimum to Main Building	Minimum Side Yard	Minimum Rear Yard	Maximum Height
RR-1	By Ordinance 2006-21, there is no longer any required minimum distance from primary structures to accessory structures in residential districts. Accessory structures must be five feet from any property lines. Accessory structures may not exceed 40%			20'
R-1				20'
R-2				20'
R-3				20'
R-4				20'
RO-1				20'
R-5 (Permitted Use)				20'
R-5 PUD	-----	Requires	Detailed	Plan
MH-1	20'	20'	20'	15'
MH-1 Park Lot	5'	5'	5'	15'
B-1	5'	5'	5'	10'
B-2	5'	5'	5'	10'
B-3	5'	5'	5'	10'
I-1	-----	Requires	Detailed	Plan
I-2	-----	Requires	Detailed	Plan

*****The minimum distance between buildings may be reduced to 10 feet provided that fire rated construction is utilized. i.e., 1 hour rated materials.

Table 1. Area Standards for Planned Development District (R-5 PUD)

Minimum Lot Area:

Single-family	8,500 sq.ft.
Duplex	4,000 sqft.
Town House	1,200 sqft.

Front Yard Setback

Single-family	30 ft.
Duplex	25 ft.
Town House	18 ft.

Rear Yard:

Single-family	25 ft.
Duplex	25 ft.
Town House	15 ft.

Minimum Lot Width:

Single-family	60 ft.
Duplex	40 ft. @ unit
Town House	Minimum width of townhouse units, 16 ft. with an average of 18 feet in a group.

Side Yard:

Single-family	8 ft.
Duplex	8 ft.
Town House	18 ft.

Additional Standards:

Maximum density per gross acre:	10.5 units per acre
Dwelling height	35 feet
Accessory Building Height	1 story
Height of other buildings	40 feet
Minimum tract size	5 acres
Minimum open space	30% of tract
Maximum lots on a pipe stem	2

Section 502
Additional Buildings on a Single Lot

502.1 Temporary Building

A temporary building may be used in conjunction with construction work only and is permitted in any district but shall be removed immediately upon completion or abandonment of construction; however, not to exceed a two (2) year maximum.

502.2 Accessory Building, Prior Construction and Use

Except for buildings accessory to a farm, no accessory building shall be constructed upon a lot for more than six months prior to beginning construction of the main building and no accessory building shall be used for more than six months unless the main building on the lot is also being used or unless the main building is under construction. No accessory building shall be used as a dwelling.

Section 503
Off-Street Parking

Off-street automobile storage or parking space must be provided on every lot on which any permitted or Special Exception use is established in accordance with this Ordinance.

503.1 General Requirements

For the purpose of this Ordinance, the following general requirements shall be observed:

- 503.1-1 Parking spaces for all dwellings and other uses shall be located on the same lot with the main buildings to be served;
- 503.1-2 If an off-street parking space cannot be reasonably provided on the same lot on which the main use is conducted, for uses other than single-family or two-family dwellings, such space may be provided on other off-street property, provided that such space lies no further than six hundred (600) feet from the Central Business District;
- 503.1-3 The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time;
- 503.1-4 Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified;
- 503.1-5 Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.

503.1-6 Any new use established in an existing building after the effective date of this ordinance shall provide off-street parking which conforms to the requirements of this section.

503.1-7 The need for and the provision of additional parking as the result of expansion of an existing use or enlargement of an existing building shall be done in accordance with the requirements of this section.

503.2 Site Requirements

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

503.2-1 All such parking areas, except those serving one and two-family dwellings, shall be constructed with and all weather surface.

503.2-2 Parking areas shall be subject to site plan review.

503.2-3 Parking lots shall be adequately drained. Where a creation of a paved or sealed parking lot will likely cause storm water run-off due to grade conditions, review and approval by the Administrator is necessary before the improvements are made.

503.2-4 Access to the parking lot from adjacent streets shall be provided in accordance with the following requirements:

(a) Access shall be provided by means of not more than two (2) driveways for the first one hundred twenty (120) feet of frontage along any one (1) street and shall have not more than one (1) additional driveway for each additional one hundred fifty (150) feet of street frontage.

(b) Entrances or exits shall have access widths along the edge of the street pavement of not more than forty (40) feet as measured parallel to the street, and shall be located not closer than twenty (20) feet to street intersections nor twelve (12) feet to adjoining property lines, except on cul-de-sacs.

503.2-5 On-site parking arrangement shall not depend on public streets in order to maneuver into parking spaces, and points of ingress and egress to the parking area must be clearly defined by visual means. A minimum of twenty-two (22) feet between parking rows back-to-back shall be clear for maneuvering into and out of parking spaces.

503.2-6 On-site land area designed for parking, loading, and movement of vehicles shall be limited to two-thirds (2/3) of the required front or side yard. Remaining lot area for the front or side yard shall be reserved for landscaping, walks, signs, and other permitted uses.

503.3 Parking Space Requirements for All Districts.

In all districts, except the Central Business District B-3, there shall be provided off-street automobile storage or parking space with vehicular access to a street or alley, and shall be equal in area to at least the minimum requirement for the specific land use set forth. In the event that a use is not covered in the minimum requirements, the zoning Administrator shall determine the minimum parking requirements. Whenever a fraction results, the Administrator shall round up the number.

503.3-1 In the Central Business District B-3, off- street parking shall be provided for any building whose primary use is residential or the residential portion of the building in accordance with residential requirements.

503.3-2 Other uses in the Central Business District B-3 are exempt from off-street parking requirements.

503.3-3 **Dwellings:**

Land Use	Parking Requirements
a. Single, two family, townhouse	Two (2) spaces for each dwelling unit.
b. Multi-family	Two and a half (2 ½) spaces per dwelling unit except for efficiency apartments for which two spaces per dwelling unit shall be provided. B-3 District parking requirements for multi-family units are one (1) space per single bedroom unit and one and a half (1 ½) spaces for multi-bedroom units.
c. Hotels, motels	One (1) space for each bedroom, plus one (1) additional space for each two (2) employees.
d. Mobile home parks and subdivisions	Two (2) spaces per mobile home.
e. Recreational vehicle parks	One (1) space plus additional space for each travel trailer, motor home, boat, or camper.
f. Boarding and rooming houses	One (1) space for each bedroom. One (1) space for each two (2) employees.

503.3-4 **Public Assembly:**

Land Use	Parking Requirements
a. Churches and other places of worship	One (1) space for each four (4) seats in the main auditorium or sanctuary.
b. Private clubs, lodges and fraternal or sororal buildings not providing overnight accommodations	One (1) space for each four (4) members or one (1) for each 400 square feet of floor area, which ever is greater, plus one (1) space per employee.
c. Theaters, auditoriums, coliseums stadiums, and similar places of places of assembly	One (1) space for each four (4) seats, plus one (1) space per employee.
d. Schools, including kindergartens, play schools, and day care centers	One and one half (1 1/2) space for each employee including teachers and administrators, plus five (5) spaces per classroom for high school and colleges.
e. Day care centers	One (1) for each employee, plus one (1) for each five (5) students, plus two (2) loading spaces.
f. Skating rinks, dance halls, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements	One (1) space for each 4 seats or one (1) space for each 200 square feet of floor area, plus one (1) space for each employee.
g. Bowling alleys	Three (3) spaces for each alley, plus one (1) space for each (2) employees.
h. Libraries; museums	One (1) space for each 500 square feet of floor area, plus ten (10) per use.

503.3-5 **Health Facilities:**

Land Use	Parking Requirements
a. Hospitals and similar facilities	For the maximum working shift, two (2) spaces for each bed, plus one (1) space for each staff doctor, plus one space for each employee.

- b. Kennels and animal hospitals Two (2) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- c. Medical, dental, and health offices and clinics Three (3) spaces for each examining room, plus one (1) space for each doctor and staff employee.
- d. Homes for adults and similar uses One (1) space for each four (4) beds, plus one space for each employee on the maximum shift.

503.3-6 **Businesses:**

Land Use

Parking Requirements

- a. Automobile repair establishments One (1) space for each 180 square feet, plus one (1) space for each employee.
- b. Food stores One (1) space for each 200 square feet of floor area designated for retail sales only, plus one (1) space per employee on the maximum shift.
- c. Restaurants, including bars, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments One (1) space for each four (4) seats provided for patron use, plus one (1) space per employee on the maximum shift.
- d. Office buildings, including banks, business, commercial and professional offices and buildings but not including offices and clinics One (1) space for each 200 square feet of floor area, plus one(1) space per employee.
- e. General business, commercial or personal service establishments catering to the retail trade. One (1) space for each 200 square feet of floor area designated for retail sales, plus one (1) space per employee.
- f. Governmental Offices One (1) space for each 200 square feet of floor area plus, one (1) space for each employee.
- g. Shopping Centers One (1) space per 200 square feet of gross leasable area.

- h. Furniture Stores
One (1) space for each 300 square feet of gross floor area.
- i. Public utilities, such as telephone
telephone exchanges and substations
radio and TV stations, and electric
power and gas substations
One (1) space for each employee on the maximum plus three (3) spaces.
shift,
- j. Mortuaries and funeral parlors
Five (5) spaces per parlor unit or chapel unit, or one (1) space per four (4) seats, whichever is greater, plus one (1) space for each employee, plus one (1) for each company vehicle.
- k. Vehicle Sales and/or Services
One (1) per 500 Sq. Ft. of enclosed sales/rental floor area, plus one (1) per 2,500 sq. Ft. of open display area, plus two (2) spaces per service bay, plus one (1) per employee, but not less than five (5) spaces.

503.3-7 **Industries:**

Land Use

Parking Requirements

- a. Manufacturing and establishments
One and two-tenths (1.2) spaces for each employee on the maximum working shift, plus one (1) space for each company vehicle or mobile equipment operating from the premises.
- b. Wholesale establishments
One (1) space for every fifty (50) square feet of customer service area, plus one (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.

Section 504
Junk Storage and Automobile Graveyards

Title 33.1, Chapter 6, Sections 344 through 348 of the Code of Virginia (1950) as amended, establish the criteria for review of the proposed location of junkyards and automobile graveyards. This section of the Town of Pulaski Zoning Ordinance incorporates the provisions of the above-referenced sections of the State Code. Junk storage or automobile graveyards, meeting the following criteria, may be permitted by Special Exception Permit as provided for in Article 700.

504.1 Criteria for the Location of Junkyards or Automobile Graveyards. (See Secs. 33.1-348 of the Code of Virginia.)

No junkyard or automobile graveyard shall be established, any portion of which is within one thousand (1000) feet of the nearest edge of the right-of-way of any interstate or primary highway, or within five hundred (500) feet of the nearest edge of the right-of-way of any other highway or street, except:

- 504.1-1 Junkyards or automobile graveyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the highway or street, or otherwise removed from sight;
- 504.1-2 Junkyards or automobile graveyards which are not visible from the main-traveled way of the highway or street.

504.2 Automobile Graveyards or Junkyards in Existence in Permitted Districts at the Time of Adoption.

Automobile graveyards or junkyards in existence where they are permitted at the time of adoption of this Ordinance, as amended, are considered as non-conforming uses.

Section 505
Home Occupations

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

505.1 Special Requirements.

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

- 505.1-1 The applicant either shall be the owner of the property on which the home occupation is to be located, or shall be a tenant thereof. If the applicant is a tenant, he shall have written approval of the owner of the property;

- 505.1-2 The home occupation shall be operated only by the residents of the dwelling residing on the premises, and two persons who do not reside on the premises, and no article or service shall be sold or offered for sale except as may be produced by the person set forth herein.
- 505.1-3 The home occupation when restricted to the main building shall not occupy more than fifty (50) percent of the floor area within said building;
- 505.1-4 The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity, or other conditions detrimental to the character of the surrounding area, and in general, shall give no evidence of nonresidential character of use other than through the use of a sign meeting requirements for professional name plates.
- 505.1-5 The building in which the home occupation is to be located shall be an existing structure ready for occupancy, and not a proposed structure.
- 505.1-6 Town Officials, such as the building inspector, police, fire personnel, and others may exercise the right of inspection prior to the issuance of a home occupation permit.
- 505.1-7 Off street parking for a home occupation or business is required and shall be limited to existing driveways and garage areas and not in the front yard. No trucks in excess of 12,500 pounds gross vehicle weight (GVW) shall be parked on the premises.
- 505.1-8. The term "home occupations" shall not be construed to include or permit "pain management clinics."

505.2 Expiration

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

- 505.2-1 Whenever the applicant ceases to occupy the premises for which the home occupation permit was issued. No subsequent occupant of such premises shall engage in any home occupation until a new permit is issued, after approval of a proper application;
- 505.2-2 Whenever the holder of such a permit fails to exercise the same for any period of two (2) consecutive years.

505.3 Revocation

Whenever Town Officials find that any of the conditions or Special requirements of the home occupation permit are not being met, the permit may be revoked immediately.

Section 506

Signs

506.1 Intent

The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the scenic and natural beauty of The Town of Pulaski. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development. The ultimate purpose of the control of signs is make them most useful to the public. This section is not intended to interfere , with, abrogate, or annul any law of the State related to outdoor advertising. Where state restrictions are stricter, they shall control.

506.2 General Requirements

- 506.2-1 Except as provided in Section 506.4, no outdoor advertising, sign, or sign structure shall be installed without issuance of a Certificate of Zoning Compliance prior to such installation. Application for the Certificate of Zoning Compliance shall proceed in accordance with the specified procedures of Sections 702.2 or 702.4, as appropriate. Failure to adhere to the requirements of this Ordinance automatically cancels any such Certificate which may be issued, and any sign or sign structure installed pursuant thereto shall be removed forthwith;
- 506.2-2 In fulfillment of the site plan requirements under Sections 702.2 or 702.4 as appropriate, all applications for a Building Permit and Zoning Compliance shall be accompanied by two (2) copies of plans showing the size, location, and method of display of the sign(s), as well as complete specifications for materials and methods of construction, anchoring and support. The specifications shall include design and wind load engineering calculations, as required by the project scope;
- 506.2-3 Applications for a Certificate of Zoning Compliance shall be reviewed and decided as specified in Section 702.2 or 702.4 as appropriate, with the following specific provisions:
- (a) the Town of Pulaski Building Inspector shall review and approve all sign plans and specifications prior to issuance of the Certificate of Zoning Compliance;
 - (b) the application shall require the signature of the owner of the lot(s) in question, and of the tenant of such lot, if there be any tenant.

506.3 Maintenance and Removal of Signs

- 506.3-1 All signs and sign structures shall be kept in good repair and in proper state of preservation. All unsafe signs shall be brought into compliance with the provisions of the Uniform Statewide Building Code;
- 506.3-2 Signs which are no longer functional, or are abandoned, shall be repaired, removed, or

relocated at the owner's expense in compliance with the provisions of this Ordinance within thirty (30) days following dysfunction, abandonment, or notice from the Town.

506.4 Signs That Do Not Require A Permit

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

506.4-1 Real estate signs advertising sale, rental, or lease of land or building(s), provided that:

- (a) In residential districts, real estate signs shall not be in excess of six (6) square feet;
- (b) In business districts, business signs having a maximum aggregate area not to exceed thirty-two (32) square feet provided that no sign shall project more than five (5) feet beyond the face of the building. Limited to one (1) sign shall be permitted per business.
- (c) In industrial districts, a sign identifying the industry including product information not in excess of ninety (90) square feet.
- (d) Any real estate sign shall be removed within ten (10) days following transfer of title to the property advertised.

506.4-2 Directional signs for parks and playgrounds, real estate, and other permitted nonresidential uses, provided that such signs shall not exceed area limits in Table 2.

506.4-3 Professional name plate, which shall be no more than two (2) square foot in area and of which no more than one (1) shall be permitted per lot, indicating the name of the professional, the business, or service provided on the premises.

506.4-4 One sign or bulletin board, not exceeding thirty-two (32) square feet in area, indicating the name of an institution or civic association on premises of such facility;

506.4-5 Signs, not exceeding thirty-two (32) square feet each with a maximum number of three (3) such signs per lot, located on the premises relating to active construction projects;

506.4-6 Memorial signs or tablets, including names of buildings and date of erection when cut into masonry, bronze, or other similar materials;

506.4-7 Traffic or other official public signs or notices posted or erected by or at the direction of a local, state, or federal governmental agency such as the Virginia Department of Transportation (VDOT), or a public utility company;

506.4-8 On-premise signs, not to exceed six (6) square feet each, displayed for direction or convenience of the public, such as those indicating restrooms, telephones, public entrances, freight entrances, and the like;

- 506.4-9 Customary signs, in conjunction with residential usage, including mailbox lettering, names of residents, house number, names of farms and estates, and other similar usage not exceeding one (1) square foot;
- 506.4-10 One Development Sign at the main entrance to a subdivision, housing development, farm, estate, or industrial park provided that such sign shall not exceed fifty (50) square feet, may be illuminated, shall be designed so as to meet the intent of this Section, and shall make no reference to the sale or lease of the lots or houses located within said development;
- 506.4-11 Paper temporary signs in show windows, not to exceed thirty-two (32) square feet;
- 506.4-12 No trespassing signs, without limitations on the number or placement, limited in area to two (2) square feet, each.

506.5 Signs as Permitted Uses

The following signs require a permit in the following districts without a public hearing provided they do not exceed the sign type size restriction in Table 2 below and provided further that a maximum of three signs are allowed per lot and the maximum square footage for all signs located on one lot shall not exceed the maximum sign area/lot as specified in Table 2 for the zoning district in which the lot is located.

- 506.5-1 Residential Districts. Within any residential district the following signs are permitted:
 - (a) One (1) sign for each subdivision relating to the sale of property within said subdivision, provided that such sign shall be within said subdivision, shall not exceed thirty (30) square feet per sign area, shall not be illuminated, shall be maintained at subdivider's expense, and shall be removed by subdivider when eighty (80) percent of the lots in said subdivision are sold.
 - (b) Where multi-family dwellings are a permitted use, one (1) sign for identifying multi-family developments of more than four (4) units, provided that such sign shall be located only on the premises of the multi-family dwellings, shall not exceed twenty four (24) square feet in area, shall indicate nothing other than the name and/or address of the premises, and the name of the management, and may be illuminated only by indirect illumination.
 - (c) Directional signs for parks and playgrounds and other permitted nonresidential use, provided that such a sign shall not exceed four (4) square feet in area and shall be within one (1) mile of the use and shall not be illuminated.
- 506.5-2 Business Districts. Within any business district the signs identified in Table 2 are permitted: there shall be no more than three (3) such signs on any single lot;
- 506.5-3 Industrial Districts. Within any industrial district the following signs are permitted.

Signs as defined in Table 2 provided that no sign shall project more than five (5) feet beyond the face of the building.

- 506.5-4 Business Signs in all Districts as defined in this ordinance may be permitted by special exception permit in zoning districts other than business districts provided that the business is a lawful use in the zoning district (including lawful non-conforming uses). The maximum sign type size and maximum sign area/lot permitted by special exception may not exceed the maximum sizes allowed in the B-2 zoning district.

506.6 Signs Prohibited in all Districts

The following signs are prohibited in all districts:

- 506.6-1 Any sign erected or painted upon a public right-of-way, tree, fire escape, or utility pole;
- 506.6-2 Any sign which uses the word "Stop" or "Danger" prominently displayed or which is a copy or imitation of official traffic control signs;
- 506.6-3 Any sign or illuminating device(s) for signage which causes glare onto any roadway, building or land other than the building or land on which the sign is necessary;
- 506.6-4 Any sign which is mobile or portable, except signs of thirty-two (32) square feet or less;
- 506.6-5 Any sign which is designed to--and effectively does--distract the attention of passing motorists on any highway by loud and blatant noises, by obstructing vision, or by employing externally visible mechanical movement or rotation;
- 506.6-6 Any sign which is located in such a way that it is visually distracting to passing motorists and acts as a traffic hazard;
- 506.6-7 Any sign which obstructs any door opening or window used as a means of ingress or egress;
- 506.6-8 Any sign which violates any provision of federal or state law relating to outdoor advertising;
- 506.6-9 Any sign which advertises a business which is no longer in operation at the site in question.

**TABLE 2
Signs Allowed with Permit
by Zoning District and Maximum Size (square feet)***

<u>Sign Type</u>	<u>Zoning District</u>													
	RR	R-1	R-2	R-3, R-4	R-5	MH- 1	R-0	B-1	B-2	B-3	I-1	I-2	DS	H
Agricultural Product	32	32	32	32	32	32	32	32	32	32	32	32	N/A	N/A
Billboard	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Business	32	32	32	32	32	32	32	120	120	32	150	150	32	N/A
Construction	32	32	32	32	32	32	32	32	32	32	32	32	32	N/A
Development	50	50	50	50	50	50	50	50	50	50	50	50	32	N/A
General Advertising	N/A	N/A	N/A	N/A	N/A	N/A	12	24	24	72	72	72	N/A	N/A
Home Occupation	2	2	2	2	2	2	2	2	2	2	2	2	N/A	N/A
Identification	2	2	2	2	2	2	2	2	2	2	2	2	2	N/A
Locational/directional	4	4	4	4	4	4	4	10	10	10	16	16	10	N/A
Menu Board	N/A	N/A	N/A	N/A	N/A	N/A	N/A	24	24	24	24	24	N/A	N/A
Office Complex	N/A	N/A	N/A	N/A	N/A	N/A	32	120	120	32	120	120	N/A	N/A
Professional Name Plate	6	6	6	6	6	6	6	6	6	6	6	6	N/A	N/A
Real Estate Directional	4	4	4	2	2	2	2	2	2	16	16	16	N/A	N/A
Real Estate	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6	32	32	32	N/A	N/A
Shopping Center**	N/A	N/A	N/A	N/A	N/A	N/A	N/A	250	250	75	90	90	N/A	N/A
Temporary Development	32	32	32	32	32	32	32	32	32	32	32	32	32	N/A
Portable	N/A	N/A	N/A	N/A	N/A	N/A	N/A	32	32	N/A	N/A	N/A	N/A	N/A
Maximum Sign Area/Lot	50	50	50	50	50	50	50	250	250	75	150	150	64	N/A

* Note: No more than three (3) signs on any single lot.

**The intent is that shopping centers have a sign that is visually one unit.

***Signs of greater than 50 sq. ft. but less than 100 sq.ft. require a special exception for public & governmental buildings.

506.7 Signs requiring Special Exception Approval

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

- (a) Repealed by Ordinance 2006-10
- (b) Signs attached to or using balloons as a primary sign element.
- (c) Signs in excess of 50 square feet, but not exceeding 100 square feet for public or government buildings to include public schools

506.8 Non-Conforming Signs

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

- (a) Shall not be increased, enlarged upon, expanded, or extended;
- (b) Any damage shall be repaired within 60 days or the billboard shall be removed;
- (c) Shall not be resumed for use after a discontinuance of twenty four (24) months;
- (d) Shall be removed under the following conditions:
 - (1) maintenance of the sign is not done such that the paper, paint, or other similar media are faded beyond recognition or otherwise rendered in such a state of disrepair that the original message is no longer effective for a continuous period of twenty four (24) months; or
 - (2) the face is not used for its intended purpose for a continuous period of 90 days following notification by the Town; or
 - (3) where the owner fails to remove the sign, the locality may upon thirty (30) days' notice, initiate action to have the sign removed and charge the owner with the removal costs.

506.9 Sign Regulations

506.9-1 Changeable copy signs:

- (a) Shall be allowed as freestanding signs, as part of freestanding signs, or as wall signs if:
 - (1) they are encased or at a height such as not to be accessible to vandals; and
 - (2) they are securely and permanently anchored to the ground or the structure.
- (b) Repealed by Ordinance 2006-10.

506.9-2 Sign Lighting.

- (a) Signs may be self-illuminating or illuminated from an exterior light.
- (b) Sign lighting shall be positioned and shielded so as not to impair the vision of any motor vehicle operator or cause glare into or upon any property other than the property to which the sign may be accessory.

506.9-3 Sign Area and Height.

- (a) Calculation of Allowable Sign Area.
 - (1) For purposes of this Section, sign areas shall be measured so as to include the entire area within a continuous perimeter enclosing the extreme limits of each word, symbol, numeral, group of symbols or group of numerals where the symbols or numerals are meant to be read as a unit, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area.
 - (2) Only one side of a double-faced sign or canopy sign shall be included in the calculation of area where the sign faces are arranged to be viewed one at a time. Only two sides of a canopy sign shall be included in the calculation of area when the sign faces are arranged to be viewed two at a time.
 - (3) Only those signs which require a permit shall be considered in calculating allowable area of a sign.
- (b) Distribution of Signage: where more than one business activity is located within a single building on an individual lot, maximum copy area is to be divided and distributed by the owner or manager among the several business activities within the building.
- (c) Multiple frontages: where a lot fronts two different roads, the maximum copy area for signage may be doubled. The additional signage, however, is tied to the second road frontage and shall be used only on the second road frontage. This provision shall apply to both corner lots and double frontage (through) lots.
- (d) Height: height of the sign is measured from elevation of road grade at the nearest point on the frontage road, to the top of the sign.

506.9-4 Sign Allowance. Table 2 shows the types of sign use, frontage requirements, maximum copy area, height and location for signs allowed in The Town of Pulaski.

506.9-5 Freestanding Sign Regulations.

- (a) Only one freestanding sign per business.

- (b) No part of the freestanding sign shall be extended beyond required sign setback.

506.9-6 Wall Signs, Suspended Signs, Roof Signs, and Projecting Signs.

- (a) Degree of Projection.

- (1) In the B-3 district, for any lot in which a building directly abuts the sidewalk at the front lot line, no wall, suspended, or projecting sign shall extend more than two-thirds (2/3) the width of the sidewalk. For all other lots in the B-3 district, subsection 2 below shall apply.

- (2) In all districts except the B-3 district, no wall, suspended, or projecting sign shall extend more than eighteen (18) inches from the building to which it is attached, except for canopy signs, which may project no more than three inches beyond the edge of the canopy.

- (b) Upper Height of Sign. No part of any wall, suspended, or projecting sign shall project above the lowest point of the roof. No part of any roof sign shall project above the peak of a sloped roof or above the parapet wall of a flat roof.

- (c) Lower Height of Sign. No part of any wall, suspended, or projecting sign shall be any less than eight (8) feet above the ground directly beneath the sign.

506.9-7 Menu Boards.

- (a) Menu Board signs shall be allowed only with drive-in establishments.

- (b) The face of the menu board sign shall be directed away from any adjacent residential properties.

- (c) Volumes associated with loudspeakers shall be such that nearby residents are not likely to be disturbed by excessive noise associated with order placing and order pickup.

506.9-8 Use of Multiple Sign Structure.

- (a) While not required, it is recommended that a multiple sign be used where more than one business is located on a lot. In all cases, only one freestanding sign per lot shall be allowed, regardless of the number of businesses per lot.

- (b) Any multiple sign structure shall use a unified design concept, such that signs within the structure shall in the Administrator's judgment have a substantially unified or harmonious appearance in color, style, size, shape, graphics, and illumination.

506.9-9 Unified Design Concept for Business Complexes.

- (a) A multiple sign structure meeting the requirements of Sec. 506.9-8 shall be used to fulfill the freestanding sign allowance for any business complex, if any freestanding sign is desired.
- (b) Size, height, location, material, and color of the sign and sign structure shall in the Administrator's judgment strongly relate to building and site design.

**ARTICLE 600
SPECIAL REGULATIONS**

**Section 601
Minimum Requirements for All Manufactured Homes**

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

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

**Section 602
Mobile/Manufactured Home Parks**

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

**Section 603
Application for Mobile/Manufactured Home Parks**

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

- 603.1 A vicinity map showing the location and area of the proposed park;

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

Section 604
Mobile/Manufactured Home Park Design Requirements

All mobile/manufactured home parks shall meet the following requirements:

- 604.1 Area Requirements. For each mobile/manufactured home in a mobile /manufactured home park, a mobile/manufactured home lot shall be provided which is 4,680 square feet of area or more which shall front on an existing road, street, or internal street.
- 604.2 Width and Length Requirements. Each mobile/manufactured home stand shall have a width of forty (40) feet or more and a length of one hundred seventeen (117) feet or more.
- 604.3 Distance Between Mobile/Manufactured Homes. Mobile/manufactured homes shall be arranged so as to provide a distance of twenty (20) feet or more between individual units.
- 604.4 Setback requirements. The setback from the right-of-way of internal streets shall be fifteen (15) feet and from the rear stand line ten (10) feet.
- 604.5 Sanitation Facilities. It shall be the responsibility of the mobile/manufactured park owner to collect or cause to be collected and disposed of all trash and garbage. In the areas where the Public Service

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

- 604.6 Electrical Connections. Each mobile/manufactured home shall be provided with electrical outlets installed in accordance with the Uniform Statewide Building Code.
- 604.7 Internal Streets. An internal street shall be an all-weather surface roadway which is twenty (20) feet wide and established within a right-of-way thirty-six (36) feet wide. Said street shall be properly ditched and graded so as to ensure efficient drainage maintained for safe travel in all weather conditions, and capable of being used by emergency vehicles. All dead-end internal streets shall be constructed with a turn around having a 50' radius. These streets shall be maintained solely at the owner's expense, and will not be accepted by The Town of Pulaski as public streets.

Section 605 **Mobile/Manufactured Home Accessory Structures**

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

- 605.1 All mobile/manufactured home accessory structures must meet the plumbing, electrical, construction and other applicable requirements of the Uniform Statewide Building Code;
- 605.2 Except in the case of an awning, ramada, or other shade structure, where a mobile/manufactured home accessory structure is attached to a mobile/manufactured home unit, a substantial part of one wall of the accessory structure shall be flush with part of the mobile/manufactured home unit, or such accessory structure shall be attached to the mobile/manufactured home unit in a substantial manner by means of a roof. All mobile/manufactured home accessory structures, whether attached or detached, shall be designed and constructed as free standing structures. No detached mobile/manufactured home accessory structure, except ramadas, shall be erected closer than twenty (20) feet to a mobile/manufactured home;
- 605.3 No mobile/manufactured home accessory structures, except ramadas, shall exceed the height of the mobile/manufactured home;
- 605.4 No mobile/manufactured home accessory structure shall be erected or constructed on any mobile/manufactured home lot or stand except as an accessory to a mobile/manufactured home.
- 605.5 The rear yard of each mobile/manufactured home stand may be provided with a clothesline which shall be exempt from setback and other requirements of mobile/manufactured home accessory structures.
- 605.6 For the purposes of these regulations, a satellite dish antenna is considered to be an accessory structure and is subject to the foregoing regulations regarding mobile/manufactured home accessory structures.

Section 606
Mobile/Manufactured Home Subdivisions

- 606.1 Mobile/manufactured home subdivisions shall conform to the requirements of the Town of Pulaski Subdivision Ordinance.
- 606.2 Minimum lot width for mobile/manufactured home subdivision lots is one hundred twenty (120) feet and minimum lot depth is sixty (60) feet.
- 606.3 The orientation of a mobile/manufactured home on a lot in a mobile/manufactured home subdivision shall have the side of the mobile/manufactured home with the longest dimension parallel to the street.

Section 607
Non-conforming Lots, Buildings, and Uses

It is the intent of this Ordinance to recognize that the elimination of existing lots, buildings, and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their expansion, permit their expansion, or permit their use as grounds for adding other structures or uses prohibited elsewhere in the same district.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

607.1 Lots of Record.

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

- 607.1-1 A single non-conforming lot of record at the time of the enactment or amendment of the Ordinance may be used as a building site, provided that yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located, except as provided by Section 607.1-2.
- 607.1-2 If any structure or portion thereof on a non-conforming lot is destroyed by a natural disaster or manmade calamity and where the physical configuration of the non-conforming lot will not permit the district requirements for area, or width, or depth, or setbacks to be met by a new structure, then such new structure may be rebuilt upon the area occupied by all portions of the previous structure. Restoration shall commence

within twelve (12) months of the date of casualty and be completed within twenty-four (24) months of the date of casualty.

An extension of the twenty-four (24) month deadline for reconstruction may be given by the Zoning Administrator upon the applicant's demonstration of either satisfactory progress of the reconstruction or extenuating circumstances which in the opinion of the Zoning Administrator, makes necessary an extension of the period allowed for the commencement of and/or completion of the reconstruction. Extenuating circumstances justifying an extension may be economic due to the disaster or calamity and/or legal, or other circumstances beyond the control of the owner.

607.1-3 Variance of yard requirements may be obtained only through appeal to the Board of Zoning Appeals, as outlined in Section 706.

607.1-4 Where a non-conforming structure, located on a non-conforming lot is the subject of a lawfully ordered demolition, or is demolished by the owner in the exercise of their rights of ownership, the owner may build a new structure on the area occupied by all portions of the previous structure after being granted a special exception subject to the notice, hearing, and procedural requirements for a special exception as set forth in *Section 702.4 of the Zoning Regulations-Town of Pulaski, Virginia*.

607.2 Nonconforming Structures.

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

607.2-1 Any structure or portion thereof declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration within two (2) years and meeting building codes;

607.2-2 No nonconforming structure may be enlarged or altered in any way which increases its non-conformity; and any structure or portion thereof may be altered to decrease its non-conformity;

607.2-3 Notwithstanding the provisions of Section 607.2-2 above, whenever repairs on or installation of plumbing fixtures in residential structures is required by law or administrative action of the Health Official or the Building Official, such alterations shall be permitted, provided that where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this Ordinance. Where an existing residential structure exceeds these requirements the said

addition shall extend no nearer the lot line than the existing building line;

607.2-4 Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved;

607.2-5 Should a nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed to a greater degree of non-conformity.

607.3 Nonconforming Uses of Land

Where a lawful use of land exists at the time of enactment or amendment of this Ordinance that would not be permitted by the regulations imposed herein and where such is either (1) an accessory use involving the use of no separate accessory structure or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

607.3-1 No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this Ordinance;

607.3-2 No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this Ordinance;

607.3-3 In the event that such use ceases for reasons other than destruction for a period of more than one (1) year any subsequent use shall conform to all requirements of this Ordinance for the district in which the land is located;

607.3-4 No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

607.4 Nonconforming Uses of Structure

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

607.4-1 No structure existing at the time of enactment or amendment of this Ordinance devoted to a nonconforming use shall be enlarged, extended, moved, or structurally altered, except repairs on or installation of plumbing fixtures required by law or administrative action of the Health Official or the Building Official, or the changing of interior partitions or interior remodeling; or in changing the use of the structure to a conforming use;

607.4-2 Should a structure or portion thereof containing a nonconforming use be destroyed by any means other than fire or act of God, it shall not be reconstructed for any

nonconforming use. Any use established in such a reconstructed building or portion thereof must be in conformity with the regulations of the district in which it is located.

- 607.4-3 Any structure or portion thereof destroyed by fire or act of God or declared unsafe by the Building Official may be restored to a safe condition, provided that the requirements of this section are met, and that the cost of restoration of the structure to a safe condition shall not exceed one hundred (100) percent of its replacement cost at the time of the Building Official declaration if the work is done within two (2) years;
- 607.4-4 A nonconforming use of a structure may be extended to include use of the entire structure, but shall not be extended to include either additional structures or land outside the structure;
- 607.4-5 When a nonconforming use of a structure or structures and premises in combination is discontinued or abandoned for one (1) year, or for eighteen (18) months during any three year period, except when government action impedes access to the premises; or when a nonconforming use is superseded by a permitted use; the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located;

607.5 Replacement of Obsolete Structure

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

Section 608 Special Regulations for Town House Developments

Townhouse developments shall conform to the following regulations:

- 608.1 There shall be at least four (4) but no more than ten (10) townhouse units continuously connected.
- 608.2 The minimum lot area for any townhouse unit shall be 2,250 square feet.
- 608.3 The minimum lot width for interior lots shall be eighteen (18) feet; for corner lots, forty-five (45) feet; and for end lots within the interior of a block, thirty (30) feet.
- 608.4 The minimum gross floor area for townhouses shall be 900 square feet, exclusive of

attics, garages, porches, decks, patios and basements more than fifty percent underground. The minimum patio size is 200 square feet.

- 608.5 For every townhouse unit within a development, a minimum of two (2) parking spaces shall be provided; however, the parking spaces must be located within one hundred feet of the townhouse unit.
- 608.6 The façade of townhouses in a group shall be varied by changed front yards or variations in materials or design. Units abutting each other should have a complementary but not identical façade or treatment of materials. No more than two abutting units shall have the same or essentially the same architectural treatment of facades and roof lines.
- 608.7 An approved homeowner's association shall be required of all townhouse developments, with membership consisting of all the individual dwelling unit owners of the townhouse development. The charter of the association shall be subject to the approval of the Board.
- 608.8 The following setback and yards shall be kept:
- 608.8-1 The front setback shall be a minimum of twenty-five (25) feet; however, not more than two abutting units shall have the same front setback, with the setback variation to be a minimum of three (3) and not more than eight (8) feet. An entrance porch may extend five (5) feet from the front of the building into the front yard.
- 608.8-2 The rear yard shall be a minimum of thirty-five (35) feet.
- 608.8-3 The side yards shall be a minimum of twenty-five feet. The minimum distance between groupings of townhouse units shall be twenty (20) feet. All townhouse units other than end dwellings shall occupy the full width of the lot.
- 608.8-4 Accessory buildings in Townhouse developments shall maintain a distance of ten (10) feet from the rear lot line; ten (10) feet from the side lot lines; and a forty (40) foot front setback.
- 608.9 Townhouse developments shall be designed and constructed to include fire wall resistance and shall conform to the Virginia Statewide Building Code as adopted and amended by The Town of Pulaski.

Section 609

Fences

- 609.1 No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence;

609.2 In the case of corner lots in residential districts, there shall be no planting, fence or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street lines.

Section 610 Public Water and Sewer Lots

610.1 Public Water/Sewer Facility Lots Defined

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

610.2 Area Requirements for Public Water/Sewer Facility Lots

The district lot size and frontage at setback requirements set forth in Table 1 of Section 501 shall not apply to a public water/sewer facility lot as defined in Section 610.1. Setback and yard requirements shall apply to such lots.

Section 611 Special Provisions for Corner Lots

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

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

Section 612 Special Regulations for Cluster Home Developments

612.1. A cluster home development shall be a minimum of two (2) acres in area.

612.2. There shall be at least three (3) but no more than eight (8) contiguous living units grouped together.

612.3. There shall be no more than twelve (12) living units per acre.

612.4. The gross floor area for living units shall not be less than 700 square feet nor greater than 1,800 square feet in area, exclusive of attics, garages, porches, decks, patios, and basements more than fifty (50) percent underground.

612.5. The maximum height of a cluster home group or an individual living unit shall

not exceed thirty-five (35) feet.

- 612.6.** Cluster home groups and their individual living units shall be no more than a story and a half.
- 612.7.** Each individual living unit shall have individual water and sewer connections.
- 612.8.** Each individual living unit shall provide a driveway for ingress and egress to a public street or road right of way.
- 612.9.** Each individual living unit within a cluster home development, shall provide sufficient off-street parking. A minimum of two (2) parking spaces per living unit shall be required. Parking spaces shall be located in required driveways and garage areas and not on the common areas or public street or road right of ways.
- 612.10.** The following setbacks shall be maintained:
 - 612.10-1.** Cluster home groups shall be located no closer than twenty-five (25) feet from any public street or road right of way.
 - 612.10-2.** Cluster home groups shall be located no closer than twenty-five (25) feet from the common property lines shared with adjacent properties immediately bordering the cluster home development.
 - 612.10-3.** The minimum distance between groupings of cluster home units shall be ten (10) feet.
- 612.11.** An approved homeowner's association shall be required of all cluster home developments, with membership consisting of all the individual living unit owners within the development. The charter of the association, which shall contain minimum property maintenance standards for individual living units, shall be subject to the association's board. Upkeep of all commonly held space shall be the responsibility of the homeowner's association.
- 612.12.** Cluster home developments shall be designed and constructed to include firewall resistance, and shall conform to the *Virginia Statewide Building Code*, as adopted and amended by the Town of Pulaski.

**ARTICLE 700
ADMINISTRATION**

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

**Section 701
Zoning Administrator**

701.1 Appointment.

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

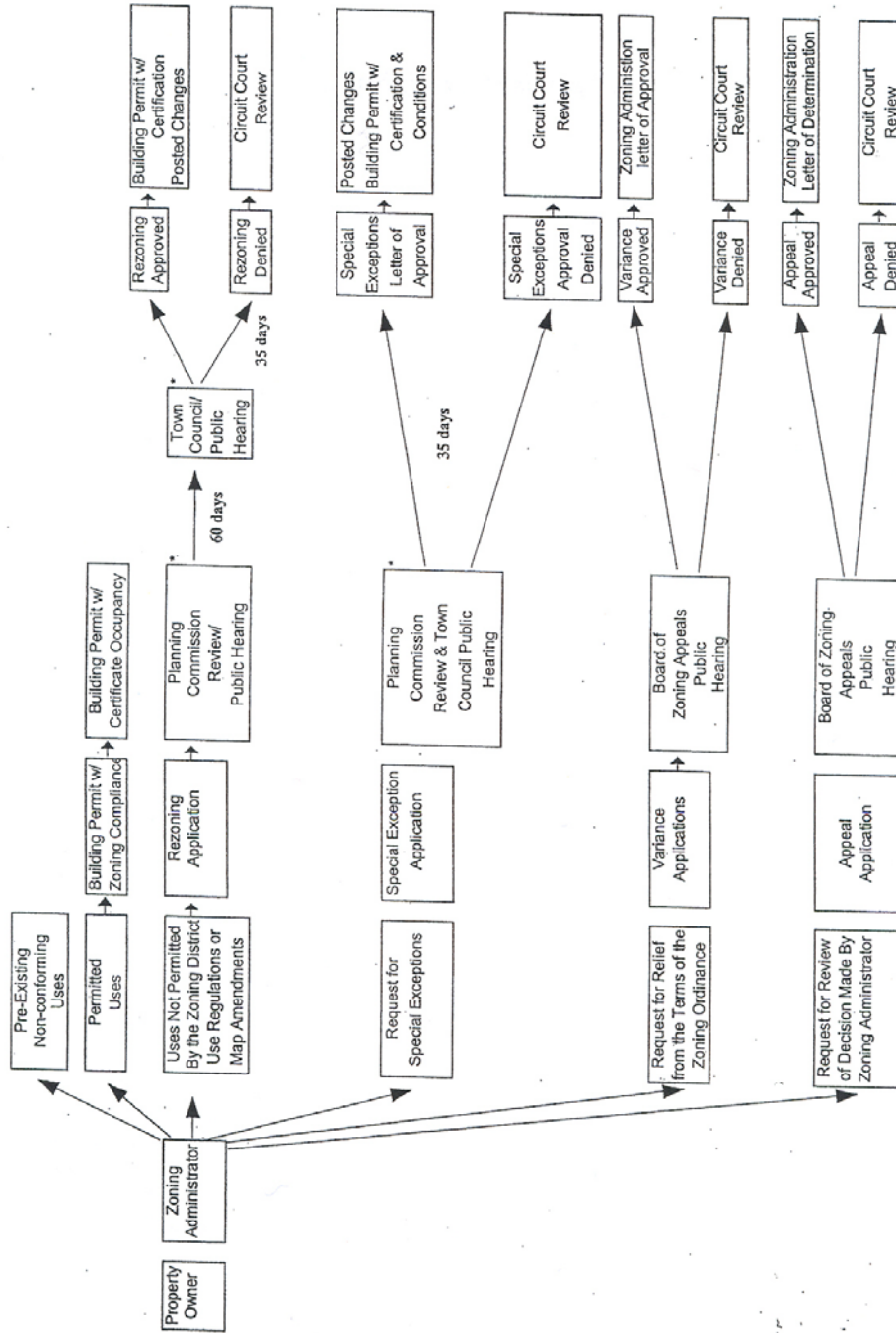
701.2 Powers and Duties Relating to Zoning.

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

701.3 Zoning Administration Process.

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

FIGURE 1
ZONING ADMINISTRATION PROCESS
TOWN OF PULASKI



*Planning Commission and Town Council may hold either separate or joint public hearing(s).

Section 702
Certificate of Zoning Compliance Procedures

702.1 Issuance and Display of the Building Permit including Certification of Zoning Compliance.

The Zoning Administrator or his deputies shall issue a building permit documents which contain certification of compliance with this Ordinance for any permitted use or any structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. A Letter Approval shall be required for any use allowed by the granting of a Special Exception or a variance. Such Letter of Approval shall be in addition to the Building Permit required (see Sec. 702.4) or the resolution granting the variance (see Sec. 706). The zoning compliance documentation shall indicate whether the use is a permitted use, a Special Exception, or a variance. If the Certification is issued pursuant to a project involving construction or reconstruction of a structure, the Building Permit containing the Certification shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction.

702.2 Application Procedure for Permitted Use.

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

- 702.2-1 Certification of Zoning Compliance for a permitted use shall be considered at the time of application for a renovation or new construction project building permit; or, in cases where no building permit is required, at the time of a request for utility service. When required, the application shall be accompanied by two (2) copies of a site plan with such reasonable information shown thereon as may be required by the Zoning Administrator to determine compliance with this Chapter. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;
- 702.2-2 The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for an additional thirty (30) day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.
- 702.2-3 If the proposed use or construction described in the application required by Section 702.2-1 are in conformity with the provisions set forth herein and other appropriate codes and regulations of the Town , including but not limited to the required:

- (1) Health Department approval of individual sewage disposal system;
- (2) Highway Entrance Permit;
- (3) Flood Insurance - Flood plain Ordinance;
- (4) Erosion and Sediment Control Ordinance Plan;
- (5) Virginia Statewide Uniform Building Code;

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

702.2-4 If the application and site plan submitted describes work which does not conform to the requirements set forth herein, a building permit shall not be issued, but one (1) copy of the site plan shall be returned to the applicant along with a written and signed refusal. Such refusal shall state the reasons for refusal and shall cite the portions of this Chapter with which the submitted plan does not comply.

The Building Official shall retain one (1) copy of the site plan and one (1) copy of the refusal.

702.3 Application Procedure for Non-Conforming Uses.

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

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

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

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

702.4 Application Procedures for Special Exceptions.

702.4-1 Applications for a Special Exception Permit for a special exception shall be submitted to the Zoning Administrator, who shall refer the application to the Planning Commission for

appropriate action as specified in this Section. Applications for Special Exception Permits shall be submitted in accordance with the following procedures:

702.4-2 An application shall, as required, be accompanied by two (2) copies of a site plan drawn with such reasonable information shown thereon as may be required by the Zoning Administrator. Such site plan shall include, at the minimum, the following: lot dimensions; locations and dimensions of existing and proposed structures; uses of existing and proposed structures; dimensions of front, back and side yards; locations and dimensions of easements (private and public); water courses; fences; names, locations and dimensions of streets and street rights-of-way; existing and proposed driveways; parking areas with locations and dimensions of parking spaces; such other information regarding the property in question and any abutting property as would, in the Zoning Administrator's judgment, directly affect the application;

Each application for a Special Exception Permit shall be accompanied by payment of a fee as set forth in Article 800 to help defray the cost of publicizing and conducting the public hearing;

702.4-3 The application shall be sent to the Planning Commission for review and recommendation, and said Commission shall have ninety (90) days within which to submit a report recommending approval or denial of the application. If the Commission fails to submit a report within a ninety (90) day period, it shall be deemed to have approved the proposed special exception;

702.4-4 The Town Council shall consider the proposed Special Exception after a recommendation has been received from the Planning Commission, and after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed special exception within thirty (30) days from the date of the public hearing. If so desired by mutual agreement between the Planning Commission and the Town Council, a joint public hearing may be held under the provisions of Sec. 15.2-2204 of the Code of Virginia (1950) as amended;

702.4-5 In evaluating the proposed Special Exception, the Planning Commission and the Town Council shall consider the following concerns:

- (a) The character of the existing neighborhood and the compatibility of the proposed use on adjacent and nearby properties;
- (b) The effect of the proposed use on existing and projected traffic volumes in the neighborhood;
- (c) The current and future need for the proposed use in the Town; and
- (d) The effect of the proposed use on neighborhood property values;
- (e) The relationship of the proposed use to the Town Comprehensive Plan;

702.4-6 Additional Requirements.

In approving a proposed Special Exception the Town Council may stipulate such additional requirements as are necessary to protect the public interest. The Town Council may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the Town Council;

702.4-7 If the Town Council approves the application for a proposed Special Exception, the Zoning Administrator shall issue a Letter of Special Exception Approval, indicating the conditional nature of the use;

702.4-8 If the Town Council disapproves the application for a proposed Special Exception, the Town Council shall inform the applicant of the decision in writing within thirty (30) days from the date of the public hearing, stating the reasons for disapproval. The Zoning Administrator shall retain one (1) copy of the site plan and one (1) copy of the refusal, and shall keep them as a public record;

702.4-9 A property owner, or his appointed agent, shall not initiate action for a Special Exception Permit for the same special exception affecting the same parcel of land more often than once every twelve (12) months;

702.4-10 A Special Exception Permit shall be put into effect six (6) months after the date the Permit is issued, or else the Permit shall become void, unless otherwise provided in the permit itself.

702.4-11 If a Special Exception Permit specifies a life span or expiration date for the Permit, renewal of such Permit shall not require a public hearing unless the original conditions in the permit are changed; however, the Town Council shall consider such renewal at a regular or called meeting, and notice of the renewal shall be shown on the agenda of the Town Council;

702.5 Application Procedures for Amendment to Zoning Text or Zoning Map (Rezoning).

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

702.5-1 Applications for amendments may be initiated: (a) by resolution of the Town Council; (b) by recommendation of the Planning Commission; or (c) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the subject property. Such resolution, recommendation, or petition shall be submitted in writing to the Zoning Administrator.

702.5-2 The Zoning Administrator shall present the application to the Planning Commission as soon as is practicable after such application is received. The Commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended.

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

702.5-3 The Town Council shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia (1950) as amended, and shall take action on the proposed amendment within thirty-five (35) days from the date of the public hearing. The Town Council and the Commission may hold a joint public hearing in accordance with Section 15.2-2204 of the Code of Virginia;

702.5-4 Any application for an amendment may be withdrawn without prejudice prior to action thereon by the Town Council at the discretion of the person, firm, corporation, or public body initiating such a request, upon written notice to the Zoning Administrator;

702.5-5 No more than one application for the same or substantially the same amendment affecting a specific parcel of land shall be initiated during any twelve (12) month period.

Section 703 Procedures for Proffering Conditions

703.1 Intent. The intent of this section is to provide (pursuant to Sections 15.2-2296 through 15.2-2302 of the Code of Virginia (1950) as amended) for conditional zoning whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.

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

- (a) the rezoning itself must give rise to the need for the conditions;
- (b) the conditions proffered shall have a reasonable relation to the rezoning;
- (c) the conditions proffered shall not include a cash contribution to the Town;
- (d) the conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities, not provided for under any concurrent subdivision of the property;
- (e) the conditions shall not include payment for or construction of off-site improvements, other than any which may be required under a concurrent

subdivision of the property;

- (f) no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (g) all such conditions shall be in conformity with the Town Comprehensive Plan.

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

Section 704 Certificate of Occupancy

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

704.1 Certificate of Occupancy Required.

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

- 704.1-1 A building hereafter erected;
- 704.1-2 A building hereafter altered so as to affect height or the side, front, or rear yard dimensions;
- 704.1-3 A change of type of occupancy or use of any building or premises.

704.2 Issuance of Certificate of Occupancy.

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

Section 705

Organization of the Board of Zoning Appeals

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

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

705.1-1. *Membership & Term of Office.*

The Board of Zoning Appeals for the Town of Pulaski, Virginia shall consist of five (5) regular members and two (2) alternates. Both regular members and alternates shall be appointed by the Circuit Court of Pulaski County for terms of five (5) years except that original appointments shall be made for such terms that the term of one member shall expire each year. Appointments shall be made only for the unexpired portion of the term. 1

705.1-2. *Notification of Vacancies.*

The secretary of the board shall notify the court promptly if any vacancy occurs and shall notify the court a minimum of thirty (30) days in advance of the expiration of a term of office. A member whose term expires shall continue to serve until their successor is appointed and qualifies. Members may be appointed to succeed themselves. 2

705.1-3. *Qualifications for Office.*

Both members and alternates of the board: (1) shall be residents of the locality; and, (2) shall hold no other public office in the locality, except that one member may be a member of the planning commission.3

705.1-4. *Nomination of Prospective Members by Council.*

The Council may approve a written resolution, duly voted upon and recorded in the public records of the Town, nominating a candidate who qualifies for membership on the BZA either as a regular member of or as an alternate. Said resolution shall be transmitted to the Circuit Court of Pulaski County for the Court's consideration regarding appointment of the nominee to the board as a regular member or alternate.

705.1-5. *Qualifications and Seating of Alternate Members for Hearings.*

The qualifications, terms and compensation of alternate members shall be the same as regular members. If a regular member knows they will be absent from a meeting or have to abstain from any application at a meeting, they must notify the chairman twenty-four hours (24) prior to the meeting. The chairman shall then select an

1 *Code of Virginia 1950, as amended, §15.2-2308 (A).*

2 *Code of Virginia 1950, as amended, §15.2-2308 (A).*

3 *Code of Virginia 1950, as amended, §15.2-2308 (A).*

alternate to serve in the absent or abstaining members place note of which shall be recorded in the records of the board. An alternate member may vote on any application in which a regular member abstains.⁴

705.1-6. *Compensation Authorized.*
Members of the board may receive such compensation as may be authorized by the Town Council. ⁵

705.1-7. *Conflicts of Interest.*
All Board members and alternates shall be subject to the Virginia Conflict of Interest Act and shall not act upon a matter in which they have a financial interest or where action would financially benefit them as specified in the laws of the Commonwealth.

705.1-8. *Removal from Office.*
Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, following a hearing held after at least fifteen (15) days' notice.⁶

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

705.2-1. *Rules of Procedure and Records.*
The board may make, alter and rescind rules and forms for its procedures consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once a year.⁷

705.2-2. *Employment or Contracting for Services.*
Within the limits of funds appropriated by the Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.⁸

705.2-3. *Election of Officers.*
With the exception of the secretary and the alternates, the board shall elect from its own membership a Chairman and Vice-Chairman who will serve annual terms and may succeed themselves. A Secretary shall also be elected who may or may not be a member of the board. A secretary who is not a member of the board may not vote on any matter before the board. ⁹

705.2-4. *Discretionary Powers of the Presiding Officer.*
The Chairman, or in his absence the Vice-Chairman or acting Chairman, may

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

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

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

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

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

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

administer oaths and compel the attendance of witnesses.¹⁰

705.2-5. *Quorum for Hearings.*

Notwithstanding any other provisions of law, general or special for the conduct of any hearing, a quorum shall not be less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on a case to the applicant, appellant, or other person aggrieved under §15.2-2314 and the staff of the local governing body. Except for matters governed by §15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting.¹¹

705.2-6. *Notice and Hearing Required.*

The board may not take action on a matter or consider a variance until notice and hearing have been given as mandated by §15.2-2204 of the *Code of Virginia*.

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

705.3-1. *Ex Parte Communications.*

The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited. ¹²

705.3-2. *Availability of Case Materials.*

Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707. ¹³

¹⁰ *Code of Virginia 1950, as amended, §15.2-2309 (8).*

¹¹ *Code of Virginia 1950, as amended, §15.2-2308 (C).*

¹² *Code of Virginia 1950, as amended, §15.2-2308.1 (A).*

¹³ *Code of Virginia 1950, as amended, §15.2-2308.1 (B).*

705.3-3. *Non-legal Staff Defined.*

For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.¹⁴

705.3-4. *Exemption.*

This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.¹⁵

Section 706 Powers and Duties of the Board of Zoning Appeals

706.1 Appeal from Administrative Ruling.

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

706.2 Granting of Variances: Authorization to Grant Variances; Standards for Consideration; Notice and Hearing; Imposition of Conditions/Bonding

706.2-1. *Authorization to Consider Variance.*

The board is authorized, notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § [15.2-2201](#), provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § [15.2-2201](#) and the criteria set out in this section.¹⁷

706.2-2. *Standards for Considering a Variance.*

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

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

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

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

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § [15.2-2286](#) at the time of the filing of the variance application.¹⁸

706.2-3. *Notice and Hearing Required.*

No variance shall be considered except after notice and hearing as required by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.¹⁹

706.2-4. *Imposition of Conditions/Bonding.*

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

Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.²⁰

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

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

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

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

706.3-1. *Authorization to Interpret Maps*
The board is authorized to hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary.

706.3-2. *Guidelines for Interpretation; Notice and Hearing.*
After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.²¹

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

706.4-1. *Authority to Consider Special Exception Use Permits.*
The Board of Zoning Appeals is authorized to hear and decide on requests for special exception use permits (also referred to as “use permits”) that allow modification of placement requirements for structures in all zoning districts of the Town.

706.4-2. *Application of Conditions.*
The Board of Zoning Appeals may impose conditions on the use permit that it deems necessary in the public interest, including limiting the duration of the use permit.

706.4-3. *Required Findings.*
The Board of Zoning Appeal shall not approve a use permit unless it finds:

- a. That the proposal will not affect adversely the health or safety of persons residing in the neighborhood; and,
- b. That the proposal will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,
- c. That the proposal will not be in conflict with the purposes of the master plans and land use and zoning related policies of the Town.

706.4-4. *Standards for Determining Effects on Neighborhood Health and Safety.*
In determining whether the proposal will adversely affect the health and safety of persons residing in the neighborhood or will be detrimental to the public welfare, injurious to property or improvements in the neighborhood, the BZA shall consider:

- (1) Whether the modification will promote compatibility of development with the surrounding neighborhood, because the structure’s overall footprint size and

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

- placement are similar to structures or property surrounding the lot in question; and,
- (2) Whether the modification will help preserve natural land form, historical features, and/or significant trees and foliage.²²

706.5 Appeals from Decisions of the Zoning Administrator.

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

706.6 Restrictions Regarding Rezoning and Legislative Intent.

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

706.7 Hearing and Decisions Regarding Special Exceptions: Authorization; Notice and Hearing.

706.7-1. *Authorization.*

The board is approved to hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

²² Ordinance 2011-11.

²³ Code of Virginia 1950, as amended, §15.2-2309 (3).

²⁴ Code of Virginia 1950, as amended, §15.2-2309 (5).

706.7-2. *Notice and Hearing.*

No special exception may be granted except after notice and hearing as provided by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.²⁵

706.8 Revocation of Special Exceptions: Revocation Authority of BZA ; Notice and Hearing; Revocation Authority of Town Council.

706.8-1. *Authority to Revoke Special Exception by the BZA.*

The board has the authority to revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit.

706.8-2. *Notice and Hearing.*

No special exception may be revoked except after notice and hearing as provided by § [15.2-2204](#). However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

706.8-3. *Revocation by Town Council.*

If Town Council reserves unto itself the right to issue special exceptions pursuant to § [15.2-2286](#), and, if the Council determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.²⁶

706.9 Scheduling of Meetings.

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

²⁵ Code of Virginia 1950, as amended, §15.2-2309 (6).

²⁶ Code of Virginia 1950, as amended, §15.2-2309 (7).

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

Section 707
Application and Procedures for Board Hearings

707.1 Hearings Regarding Special Exceptions and Variances: Eligible Applicants; Transmission of Application Documents; Notice; Time Limit on Request/Resubmission; Withdrawal of Application; Allotment of Fees

707.1-1. *Eligible Applicants.*

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau.28

707.1-2. *Application and Transmission of Documents.*

Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application shall be accompanied by one (1) copy of documentation containing reasonable information as shall be required by the Zoning Administrator. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board.29

707.1-3. *Notice and Hearing.*

No special exceptions may be granted or variances shall be considered except after notice and hearing as required by § 15.2-2204. The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing.30

707.1-4. *Time Limit on Resubmission of Request.*

Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.31

707.1-5. *Withdrawal of Application.*

Any petitions for a hearing before the Board may be withdrawn prior to action thereon, by said Board at the discretion of the person, firm or corporation initiating such request upon written notice to the Secretary of said Board.

707.1-6. *Payment and Fees.*

Applications to the Board shall be accompanied by payment of a fee set forth in Section 801 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received. If the withdrawal is done after publicizing costs have been incurred, the applicant is responsible for payment of these costs.

28 Code of Virginia 1950, as amended, §15.2-2310.

29 Code of Virginia 1950, as amended, §15.2-2310.

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

31 Code of Virginia 1950, as amended, §15.2-2310.

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

707.2-1. *Eligible Appellants.*

An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to *Code of Virginia* § 15.2-2286.32

707.2-2. *Violation/Order to Include Notification of Right to Appeal.*

Any written notice of a zoning violation or a written order of the zoning administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.³³

707.2-3. *Filing and Transmission of Appeal Documents to the Board.*

The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.³⁴

707.2-4. *Application of Decision to Appellant as Regards Notice and Hearing.*

A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.³⁵

³² *Code of Virginia 1950, as amended, §15.2-2311 (A).*

³³ *Code of Virginia 1950, as amended, §15.2-2311 (A)*

³⁴ *Code of Virginia, 1950, as amended, §15.2-2311 (A).*

³⁵ *Code of Virginia, 1950, as amended, §15.2-2311 (A).*

707.2-5. *Stay of Action/Order During Appeals Process; Exceptions.*

An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.³⁶

707.2-6. *General Procedure of the Appeal.*

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

707.2-7. *Sixty Day Limit on Administrative Changes to Order; Exemptions.*

In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical errors.

707.2-8. *Tie Votes.*

In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

707.2-9 *Withdrawal of Appeal.*

Any application for appeal before the Board may be withdrawn without prejudice, prior to action thereon by said Board, at the discretion of the person, firm, or corporation initiating such a request upon written notice to the Secretary of said Board.

707.2-10. *Fees.*

Each application for an appeal shall be accompanied by payment of a fee as set forth in Article 800 to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded minus any expenditures which have been made for publicizing or conducting the public hearing at the time the notice is received. The fee for filing an appeal shall not exceed the cost of advertising the appeal for public hearing and reasonable costs.³⁷

Section 708

Certiorari to Review Decisions of the Board

708.1 Aggrieved Parties; Form of Writ.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.³⁸

708.2 Issuance of writ; Notification of the Board of Filing of an Appeal.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.³⁹

708.3 Status of the Board in Appeal Proceedings.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings in the

³⁷ Code of Virginia 1950, as amended, §15.2-2311 (A).

³⁸ Code of Virginia 1950, as amended, §15.2-2314.

³⁹ Code of Virginia 1950, as amended, §15.2-2314.

circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.⁴⁰

708.4 Possession of Original Papers; Certification of Documents.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.⁴¹

708.5 Authorized Court Actions on the Appeal.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

708.6 Presumptions of Correctness, Burden of Proof for Appeals of Decisions of Administrative Officials.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.⁴²

708.7 Presumptions of Correctness, Burden of Proof for Appeals Involving Variances.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals that the board of zoning appeals erred in its decision.⁴³

708.8 Presumptions of Correctness, Burden of Proof for Appeals Involving Special Exceptions.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.⁴⁴

⁴⁰ Code of Virginia 1950, as amended, §15.2-2314.

⁴¹ Code of Virginia 1950, as amended, §15.2-2314.

⁴² Code of Virginia 1950, as amended, §15.2-2314.

⁴³ Code of Virginia 1950, as amended, §15.2-2314.

⁴⁴ Code of Virginia 1950, as amended, §15.2-2314.

708.9 Introduction of Evidence in Appeal from the Board.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.⁴⁵

708.10 Allotment of Appeal Costs.

Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.⁴⁶

⁴⁵ *Code of Virginia 1950, as amended, §15.2-2314.*

⁴⁶ *Code of Virginia 1950, as amended, §15.2-2314.*

**ARTICLE 800
SCHEDULE OF FEES**

The following fees are hereby established in order to help defray the expenses of administration, processing applications, publicizing and conducting public hearings, and performing necessary inspections.

**Section 801
Fees Related to Zoning**

The following fees shall apply for applications relating to zoning regulations.

- 801.1** Each application for a Special Exception Permit shall be accompanied by payment of a fee as set by Council
- 801.2** Each application for a hearing before the BZA for an administrative review or a variance shall be accompanied by payment of a fee as set by BZA.
- 801.3** Applications by local jurisdictions shall be exempt.

**Section 802
Fees Related to Amendments**

Each application for an amendment to the zoning text or the zoning map (rezoning) shall be accompanied by payment of a fee as set by Council.

**Section 803
Return of Fees**

No portion of any fee payment shall be returned to any applicant under any circumstances, except that where an application requiring a public hearing is withdrawn prior to notification of public hearing, that portion of any fee payment which is proportional to the cost of notice and conduct of public hearing shall be returned.

**ARTICLE 900
VIOLATIONS AND PENALTIES**

**Sections 901
Violations**

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

**Section 902
Complaints Regarding Violations**

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

**Section 903
Penalties**

Any person, firm, or corporation, whether as principal agent, employee, or otherwise, violating, causing, or permitting the violation of any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, may be fined an amount not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of these regulations is committed, continued, or permitted by such person, firm, or corporation and shall be punishable as herein provided.

**ARTICLE 1000
LEGAL STATUS PROVISIONS**

**Section 1001
Conflict With Other Laws**

Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards, shall govern.

**Section 1002
Validity**

Each phrase, sentence, paragraph, section, or other provision of these regulations is severable from all other phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of these regulations be declared by the Courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of these regulations.

**Section 1003
Repealed Resolutions and Ordinances**

Any ordinance or regulation which conflicts with any provision of this ordinance shall be considered under the provisions of Section 1001. Any ordinance or regulation failing to meet Section 1002 provisions is repealed, held to be invalid, and of no effect.

**Section 1004
Effective Date**

These regulations shall take effect and be in force upon adoption. A certified copy of the foregoing Zoning Regulations shall be filed in the office of the Town Manager and in the office of the Clerk of the Circuit Court, Pulaski County, Virginia.

ARTICLE 1100 DEFINITIONS

Section 1101. General Rules of Construction

The following general rules of construction shall apply to the regulations of this Ordinance:

1. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary.
2. Words used in the present tense include the past and future tenses, and the future the present.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. The word "building" or "structure" includes any part thereof, and the word "building" includes the word "structure."
5. The terms "main" and "principal" as used herein are synonymous.
6. Words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning and customary usage.

Section 1102. Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined:

Administrator, Zoning. The official charged with the enforcement of the zoning ordinance. He may be any appointed or elected official who is by formal resolution designated to the position by the Town of Pulaski. He may serve with or without compensation as determined by Town Council. (2) That person appointed by the Town Manager as the individual who issues the permit for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building.

Alteration. (1) Any change in the total floor area, use, adaptability, or external appearance of an existing structure. (2) is any change, modification or addition to a part or all of the exterior of any building or structure.

Animal or Poultry Husbandry. Any keeping, boarding, breeding, or raising of any number of horses, goats, sheep, poultry, or other customary farm animals for any purpose; or five (5) or more dogs, cats, or other customary pet animals for non-commercial purposes.

Animal Hospital or Clinic. An establishment where treatment is received and no activity is conducted outside the main building. Kennels are not included.

Apartment. A unit in a multi-family dwelling providing living quarters for a family, in which

separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance, and structure.

Apartment Development. A development containing one or more multi-family dwellings containing apartments, with accessory parking, open space, recreation and management facilities, and any other facilities for common use.

Automobile Graveyard. Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, not displaying current Commonwealth of Virginia inspection certification are placed, located, or found.

Automobile Service Station. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or mechanical automobile washing.

Bakeries. An establishment engaged in the preparation and production of baked goods for consumption and sale both on and off the premises, which shall not exceed 3,000 square feet in floor area.

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

Base Flood and One Hundred Year Flood. Means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Base Flood Elevation. Means the *Federal Emergency Management Agency* designated 100-year water surface elevation, plus one additional foot in elevation.

Bed and Breakfast. A building or part thereof, other than a hotel, motel, or restaurant, where meals and lodging are provided for compensation for three (3) to ten (10) persons, unrelated to the owner or operator, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay is usually less than one (1) week in duration.

Board. The Board of Zoning Appeals as established under this Ordinance.

Boarding House (Rooming House). A building or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three (3) to ten (10) unrelated persons, where no cooking or dining facilities are provided in individual rooms, and in which the length of stay usually exceeds one (1) week in duration. A lodging house is also included in this definition.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building. Is any enclosed or open structure which is a combination of materials to form a

construction for occupancy or use.

Building, Accessory. A subordinate building located on the same lot as the main building, the use of which is incidental and accessory to that of the main building or use. No such accessory structure shall be used for housekeeping purposes without the granting of a special exception.

Building Code. The Virginia Uniform Statewide Building Code, as adopted by the Town of Pulaski as amended.

Building Inspector. The building official appointed by the Town to administer and enforce the provisions of the Building Code, or his designated representative or agent.

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

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

Cemetery. Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. No cemetery shall be established within 250 yards of any residence without the consent of the owner of the legal and equitable title of the residence; provided that subject to the foregoing in the location for the proposed cemetery is separated from any residence by a state highway, it may be established upon such location without the consent of the owner of such residence if it be not less than 250 feet from the residence at its nearest point thereto; provided such prohibition and restriction shall not apply where the tract of land intended for use as a cemetery is separated from any residence by a state highway and not contains a public or private burial ground and is not within the corporate limits of the town; and no cemetery shall be hereafter established, and no burial made in any part of any cemetery, other than a municipal cemetery, located within 300 yards of any property owned by any city, town, or water company, upon which or a portion of which are now located driven wells from which water is pumped or drawn from the ground in connection with the public water supply. Further a plat shall be provided with the application for a special exception for a burial within the aforesaid definition of cemetery and such plat shall be capable of being recorded in the Circuit Court of the County of Pulaski, Virginia Clerk's Office before said special exception, if approved, is effective.

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

Chronic Pain. A state in which pain persists beyond the usual course of an acute disease or

healing of an injury or that may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.

Chronic Nonmalignant Pain. Persistent pain that is not attributable to a life-threatening condition; alternate terms used include: chronic non-cancer pain, chronic non-cancer–related pain.

Clerk. The Clerk of the Circuit Court having jurisdiction in the Town of Pulaski.

Commission, The. The Town of Pulaski Planning Commission.

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

Controlled Substances. (1) A drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription. The basis for control and regulation is the danger of addiction, abuse, physical and mental harm (including death), the trafficking by illegal means, and the dangers from actions of those who have used the substances; or, (2) any drug included and classified under *The Controlled Substances Act of 1970, Title II of The Comprehensive Drug Abuse Prevention and Control Act of 1970, [21 USC § 801 et seq.](#)*

Cluster Housing. A development design which places attached dwellings in close proximity to each other with nearby spaces set out for the common use of the dwelling owners. (*Ordinance 2006-07*)

Columbarium. A sepulchral vault or other structure lined with recesses in the walls for the storage of cinerary urns. A columbarium may be a free standing structure, part of another building such as a mausoleum or house of worship, or may be a prefabricated structure brought in its entirety to a site.

Community Center. Community entertainment, recreation, or meeting place operated by a non-profit organization.

Common Elements. All portions of a cooperative other than the units.

Communication Station. A location not associated with another permitted use, where the public is offered access to voice, data, and/or video information.

Conditional Use. (See Special Exception)

Conditional Zoning. The creation of a new zoning district for property to be used in a particular way as the result of conditions proffered by the applicant which limit or qualify how the property may be used. In order for the Town Council to accept the proffered conditions, the conditions

proffered must give rise to the need for the conditions, have a reasonable relationship to the rezoning, and not include a cash contribution to the Town.

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

Congregate Home. A facility serving as a home for the mentally ill, mentally retarded, developmentally disabled, or as rest homes, homes for adults, or nursing homes, provided that all licensing requirements are met.

Congregate Senior Housing. A multi-family, single floor structure consisting of individual units designed for the primary purpose of providing a residence for seniors (age 60) able to live on their own.

Contractor Storage Yard. An area used for storage of construction equipment, supplies and materials.

Convenience Store. A single store, the ground floor of which is five thousand (5,000) square feet or less and which offers for sale primarily most of the following items: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, gasoline, kerosene, propane, and general hardware articles.

Cottage Industry. A small, non-polluting business or industry which is not located in a residence and which employs fewer than five (5) workers on site. Such industry has no outside storage and is limited to a structure having 5,000 square feet or less.

Cul-de-Sac. A circular turning area at the end of a dead-end street.

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

Demolition. Is the dismantling or tearing down of all or part of any building and all operations incidental thereto.

Determination. Means any order, requirement, decision or determination made by an administrative officer.

Developer. An owner of property being developed, whether or not represented by an agent.

Development. (1) Any man-made change to improved or unimproved real estate including, but not limited to: buildings or other structures; mining, dredging, filling, grading, paving, excavation or drilling operations; or storage of equipment or materials; (2) any real estate having been subjected to or intended for man-made change.

Drop Site. A Zoning District designated by the Town Council of the Town of Pulaski, Virginia that

serves as a temporary collection point for the orderly collection and disposal of recyclables and non-recyclables or heavy items.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and automobile trailers.

Dwelling, Multi-Family. A building designed for, or occupied exclusively by, three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one (1) family, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance. Family shall include Family Day Homes as provided in 15.2-2292, Code of Virginia 1950 as Amended and Group Home of 8 or Fewer as provided in 15.2-2291, Code of Virginia as Amended.

Dwelling, Two-Family (Duplex). A building designed for, or occupied exclusively by, two (2) families living independently of each other, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

Dwelling Unit. One or more rooms in a dwelling designed for living or sleeping purposes, and having at least one (1) kitchen, provided however, that this definition shall not be deemed to include mobile home or manufactured homes as defined in this ordinance.

Fairgrounds/Exhibit Areas. An area set aside and managed for the exhibition and display of agricultural products and animals, amusement rides and games, craft exhibitions and fireworks displays.

Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, or hotel, as herein defined. Private household workers employed and housed on the premises may be considered as included in the family occupying said premises.

Family Day Care Center. Any private family home in which less than six (6) children or adults are received for care, protection, and guidance during only part of the day, except children or adults who are related by blood or marriage to the person who maintains the home.

Family, Immediate Member of. Any person who is a natural or legally defined off-spring, spouse, grandchild, grandparent, or parent of the owner.

FIS. Means Flood Insurance Study.

Floating Zone. A district classification which is not "anchored" to a particular area on the initial zoning map but which is available through rezoning to any parcel of property with the following qualification: The plans for the parcel must meet both the ordinance requirements and those other requirements of the Town Council which ensure that the classification is compatible with

the surrounding properties and districts.

Flood. (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation or runoff of surface waters from any source.
- c. Mudslides (i.e. mudflows) which are prominently caused by flooding as define in subsection (1)b of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land area, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)a. of this definition.

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

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

Flood Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding required for new construction in the floodway by the Virginia Uniform Statewide Building Code.

Floodway. Means the designated are of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

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

Frontage. The length of the property line of any lot or tract of land measured along a public street, road, or highway against which the land abuts.

Garage, Private. Accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1 1/2) times as many automobiles as there are dwelling units.

Garage, Public. A building or portion thereof, other than a private garage, designed or used for servicing, repairing, painting, equipping, renting, selling, or storing motor vehicles.

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

Garage, Private. An accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Golf Course. Any parcel of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

Golf Driving Range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee area.

Granny Cottage. A one-bedroom dwelling unit associated with a primary single-family residential structure on a single lot, constructed for a family member to reside in and created to allow for familial contact yet provide for the independence of the inhabitants of both units.

Greenhouse. A building with translucent and/or transparent sides and/or roof which is artificially heated for the purpose of growing plants, trees and shrubs indoors.

Group Home. A residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility (§ 15.2-2291.)

Guest House. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling unless permitted by the terms of this ordinance.

Guest Room. A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefore, but in which no provision is made for cooking or meals. Dormitories are excluded.

Hazardous Material. Any chemical substance or material in a quantity or form which may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally released. Hazardous materials include: explosives, gases (compressed, liquefied, or dissolved), flammable and combustible liquids, flammable solids or substances, oxidizing substances, poisonous and infectious substances, radioactive materials, and corrosives.

Hazardous Substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Waste. Means a solid waste or combination of solid waste which, because of its quantity, concentration or physical, chemical, or infectious characteristics may: cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. (*Code of Virginia Section 10.1-400*).

Health/Fitness Club. A building or development containing body building equipment and machines and/or other recreational facilities such as saunas, whirlpools, swimming pools, racquetball, handball, and tennis courts. Utilization of such facilities requires membership in the club.

Health Department. The Pulaski County Health Department or its designated agent or representative.

Heliport. An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Heliport Hazard. Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport.

Helistop. A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

Highway Engineer. The official designated by the Virginia Department of Transportation to inspect subdivision streets and alleys, and other public ways.

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

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

Historic Structure. Means any structure that is:

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

Home for Adults. Any facility other than a Nursing Home, providing part-time or full-time care to three (3) or more aged, infirm or disabled adults. Persons related by blood or marriage to the operator of the facility shall not be counted.

Home Occupation. An accessory use carried on by the one or more members of a family, in connection with which there is no display, other than a professional name plate, no one is employed other than immediate members of the family residing on the premises, there is limited traffic generation, and the activities are conducted within the dwelling or accessory building.

Hospice. means a coordinated program of home and inpatient care provided directly or through an agreement under the direction of an identifiable hospice administration providing palliative and supportive medical and other health services to terminally ill patients and their families as licensed by the Virginia Department of Health. A hospice utilizes a medically directed interdisciplinary team. A hospice program of care provides care to meet the physical, psychological, social, spiritual and other special needs which are experienced during the final stages of illness, and during dying and bereavement. Hospice care shall be available twenty-four hours a day, seven days a week.

Hospice Facility. means an institution, place, or building owned or operated by a hospice provider and licensed by the Virginia Department of Health to provide room, board, and appropriate hospice care on a 24-hour basis, including respite and symptom management, to individuals requiring such care pursuant to the orders of a physician. Such facilities with 16 or

fewer beds are exempt from Certificate of Public Need laws and regulations. Such facilities with more than 16 beds shall be licensed as a nursing facility or hospital and shall be subject to Certificate of Public Need laws and regulations.

Hospital. An institution rendering medical, surgical, obstetrical, or convalescent care on an in-patient basis, including any institution licensed as a hospital by the State Hospital Board.

Hospital, Special Care. A special care hospital shall mean an institution rendering care primarily for mental patients, epileptics, alcoholics, or drug addicts.

Hotel. A building in which lodging, or board and lodging, are provided and offered to the public for compensation and in which cooking facilities may be provided or in which lodging facilities are provided primarily for travelers. The term "hotel" includes the term "motel".

Household Waste. Means any waste material including garbage, trash and refuse derived from households. Households include single, dual and multi-family residences, manufactured homes, recreational vehicles, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. (*9VAC20-130-10 Virginia Administrative Code*).

Inoperable Motor Vehicle. A vehicle which does not display current State registration plates and County or Town sticker nor a valid State inspection, excluding motor vehicles as described in the Code of Virginia, Section 46.2-665 and 666.

Junk. Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled or wrecked automobiles or parts thereof; an old or scrap iron, steel, or other ferrous or nonferrous material.

Junk Yard (Automobile Wrecking Yard). A lot, land, or structure, or part thereof, used primarily for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running conditions, or for the sale of parts thereof.

Kennel. Any location where breeding, raising, grooming, caring for or boarding of dogs, cats, and other similar animals or any place where more than five animals of over 6 months of age are kept.

Kennel, Non-commercial. Any location where animals of over 6 months of age are kept, as defined in the "Dog and Other Animal" ordinance of Pulaski County.

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

Lot of Record. A lot or parcel of land whose existence, location, and dimensions have been recorded in the Office of the Clerk of the Circuit Court of the County of Pulaski at the time of the adoption of this Ordinance.

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

Manufactured Home Park/Subdivision. Means a parcel or contiguous parcels of land divided into two or more lots for rent or sale.

Medical Clinic. An establishment in which doctors, dentists, or other practitioners licensed by the Commonwealth of Virginia provide health care services to clients, including medical or health-related physical or massage therapy, counseling, diagnoses, or treatment, exclusively on an outpatient basis. "Medical clinics" provide outpatient care on a routine basis and may offer minor surgical care, but do not provide overnight care or serve as a base for an ambulance service. For purposes of this definition, "medical clinic" does not include "outpatient mental health and substance abuse clinics" or "pain management clinics."

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

Mobile/Manufactured Home A structure subject to Federal Regulations, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the travel mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating air-conditioning, and electrical systems contained in the structure. (Section 36-85.11 of the Code of Virginia as amended). Such structure as defined herein (including any structure originally built as a mobile/manufactured home as defined herein, regardless of whether plumbing or electrical facilities have been removed) may be used only as a single family residence, and may not be used as a storage building, accessory structure or for any other purpose except a temporary mobile/manufactured office building.

Mobile/Manufactured Home Park A site designed to accommodate two or more manufactured homes.

New Construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by the town and includes any subsequent improvements to such structures.

Nonconforming Use. The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this Ordinance for the district in which it is located,

either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Nonconforming Lot. An otherwise legally platted lot that does not conform with the lot, area, yard, height, lot coverage, or other area regulations of this Ordinance for the district in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

Nonconforming Structure. A building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this Ordinance, or is designed or intended for a use that does not conform to the use regulations of this Ordinance, for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

Non-legal staff of the governing body. Means any staff who is not in the office of attorney for the locality or for the board who is appointed by special law or pursuant to §15.2-2214.*(Reference to Code of Virginia)*

Non-recyclables or heavy items. Items defined as old furniture; stoves; refrigerators; freezers; washers; dryers; hot water heaters; air conditioners; scrap metal.

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

Off-Street Parking Area. Space provided for vehicular parking outside the dedicated street right-of-way.

One Hundred Year Flood/Base Flood. Means the flood having a one percent chance of being equaled or exceeded in any given year.

Open Space. An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open spaces shall not be deemed to include driveways, parking lots, or other surfaces not designed or intended for vehicular travel.

Operator. An individual entity licensed by the Town Council to operate a Drop Site.

Outpatient Mental Health and Substance Abuse Clinic. An establishment which provides outpatient services primarily related to the treatment of mental health disorders, alcohol, or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the Commonwealth of Virginia.

Pain. An unpleasant sensory and emotional experience associated with actual or potential tissue damage, or described in terms of such damage.

Pain Management Clinic. Means any publicly or privately owned establishment: (1) that advertises or represents itself in any medium as providing any type of pain management services; or, (2) that has as its primary or exclusive treatment component the treatment of pain, chronic pain or chronic non-malignant pain; or (3) where a majority (50% or more) of patients receive pain management services that includes the use, prescription or dispensing of controlled substances. For purposes of this definition, the following facilities are not classified as pain management clinics:

- A hospital or clinic licensed as a hospital by the *Virginia Department of Health*.
- An outpatient clinic or facility operated by a hospital that is licensed by the *Virginia Department of Health*.
- A hospital or clinic operated or maintained by the federal government or the *Commonwealth of Virginia*.
- A facility affiliated with an accredited medical school or hospital licensed by the *Commonwealth of Virginia* at which training is provided for medical students, residents, fellows, nurses, nurse practitioners and potential health care licensees.
- A facility that does not prescribe or dispense controlled substances for the treatment of pain.
- A hospice or hospice facility licensed by the *Virginia Department of Health*.
- A nursing home or long term care facility for the elderly, the disabled or infirm that is licensed by the *Virginia Department of Health*.
- A rehabilitation center for surgical or orthopedic patients as licensed by the *Commonwealth of Virginia*.

Parking Space. An area consisting of a minimum of 10 x 20 feet.

Permanent Building. Means any structure having a roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals and chattel, that is designed to not be moveable either to, or from its location on, real property.

Permanent Foundation. Footer and masonry foundation about the entire perimeter of the home.

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

Professional. A person generally engaged in rendering personal, executive, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, lawyers, insurance agents, real estate agents, heads of religious organizations, and administrators working with agencies considered professional in character. When used in connection with home occupation, the term refers to a single professional in the operation of his

profession and does not include repair or sale of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.

Prohibited Items. Materials that may not be accepted into the drop-site including but not limited to: liquids, construction debris; old automobiles and automobile parts; household waste; barrels; or hazardous substances/hazardous waste.

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

Public Service or Storage Buildings. Governmental or public utility facilities necessary for public health, safety, and welfare.

Public Water and Sewage Systems. A water or sewage disposal system owned and operated by a municipality or any water or sewage disposal system serving fifteen (15) connections or serving 20 or more persons and which is properly permitted.

Public Utilities. Public service structures such as power plants or substations; water lines, treatment plants, or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, communications, or related services to the general public.

Ramada. A structure erected over a mobile/manufactured home for the purpose of providing shade or shelter.

Reconstruction. Is any or all work needed to remake or rebuild all or part of any building to a sound condition, but not necessarily of original materials.

Recyclables. Items that may be reprocessed into other or similar materials. Such items may include newspaper; aluminum and metal cans; clear, brown and green plastic; clear, brown and green colored glass; tires from residential (non-commercial activity) and such other items that may be recycled as determined by the Town Manager.

Recycling Collection Point. An incidental use that serves as temporary storage of recoverable resources. No processing of such items would be allowed.

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

Recreational Vehicle Park. Premises where accommodations are granted for recreational vehicles which are parked temporarily in conjunction with travel, recreation, or vacation.

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

construction.

Required Open Space. Any space required in any front, side, or rear yard.

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

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

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

Right-of-way or Easement. A strip of land occupied or to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or similar uses.

Screening. A method of visually shielding or buffering one abutting or nearby structure or use from one another by fencing, walls, berms, or vegetation.

Setback. The minimum distance from which any building structure must be separated from the front lot line.

Setback Line. A line generally parallel with and measured from the front lot line, defining the limits of a yard in which no building or structure may be located.

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

Shopping Center. A grouping of retail business and service uses on a single site with common parking facilities.

Sign, Definitions:

Sign, Construction Types.

- (a) Canopy Sign -- a sign which is painted on or attached directly to an architectural canopy, or similar freestanding roofed structure without walls, the face of which sign is parallel to the canopy edge.
- (b) Freestanding Sign -- a sign not attached to nor printed on a building but which is supported by upright structural members or by braces on or in the ground.

- (c) Portable Sign -- a sign of more than 6 square feet designed to be transported with ease or designed to be transportable such as to permit its easy installation and removal. Such signs include but are not limited to signs with wheels, whether or not those wheels are removed; signs with chassis or support constructed without wheels; signs designed to be transported by trailer or wheeled conveyance; A- or T-frame signs; signs mounted on a vehicle for advertising purposes other than signs identifying the related business when the vehicle is being used for transport in the normal day-to-day operations of that business; menu and sandwich board signs; and searchlight stands.
- (d) Projecting Sign -- a sign which is attached nominally perpendicular to a building, wall, roof, facade, canopy, marquee, or porch.
- (e) Roof Sign -- a sign which is erected or constructed and maintained from the roof of a building.
- (f) Suspended Sign -- a sign which is suspended nominally parallel from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks, chains, or the like.
- (g) Temporary Sign -- a sign made of durable or nondurable material which is intended for a limited period of display.
- (h) Wall Sign -- a sign which is painted on or attached directly to an outside building wall, the face of which is parallel to the wall.

Sign, Use Types.

- (a) Agricultural Product Sign -- A temporary or permanent sign displayed on a farm to advertise agricultural produce available thereon.
- (b) Billboard (Outdoor Advertising) Sign -- A structural poster, panel, or painted sign, either free standing or attached to a building for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located. All outdoor advertising shall comply to the *Laws of Virginia Relating to Outdoor Advertising* then in effect.
- (c) Business Sign -- an on-premise sign which identifies a business and/or directs attention to a product, commodity or service.
- (d) Construction Sign -- a temporary sign for the purpose of advertising the use to be made of the building or structure and the businesses or firms developing the business or structure.
- (e) Development Sign -- a permanent sign located at the entrance of a subdivision, housing development, farm, estate, or an industrial park which displays the name of same.
- (f) General Advertising Sign -- an off- premise sign which directs attention to a product, commodity or service.

- (g) Home Occupation Sign -- a sign directing attention to a product, commodity or service available on the premises but which product, commodity or service is clearly a secondary use of the dwelling.
- (h) Identification Sign -- a permanent sign announcing the name of a church, school, park, historical site, or other public or quasi-public use.
- (i) Directional Sign -- an off- premise sign which directs attention to the approximate location of a public or private establishment by naming and giving direction to the establishment. Such a sign is not to be used for general advertising.
- (j) Menu Board Sign -- a sign at the entrance lane of a drive-through establishment having a sound system associated with the sign for the purpose of placing an order to be picked up at the drive-through window.
- (k) Office Complex Sign -- a group of business offices: (1) designed as a single group of offices or buildings whether or not in the same parcel; or (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or (3) connected by party walls to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous office grouping.
- (l) Political Sign -- A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election. The size limitations for political signs does not apply to signs utilizing existing, commercial sign structures.
- (m) Professional Name Plate Sign -- a permanent wall sign announcing the name of a professional, business, or similar occupant.
- (n) Real Estate Directional Sign -- a temporary off-premise sign for the purpose of directing the way to premises which are for sale, lease or rent.
- (o) Real Estate Sign -- a temporary on- premise sign for the purpose of advertising the sale or lease or the completion of the sale or lease of real estate when erected or displayed on the property.
- (p) Shopping Center Sign -- a group of enterprises which is: (1) designed as a single group, whether or not on the same parcel; or (2) under one common ownership or management or has one common arrangement for the maintenance of buildings or grounds; or (3) connected by party walls, partitions, covered canopies or other structural members to form one continuous structure; or (4) otherwise the grouping clearly presents the appearance of one continuous commercial area.
- (q) Temporary Sign -- A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

- (r) Temporary Development Sign -- a temporary on-premise sign advertising a subdivision or housing development or sites in an industrial park.

Sign, Types of Copy.

- (a) Changeable Copy, Electronic Sign -- a sign whose message can be changed electronically through the use of lights.
- (b) Changeable Copy, Manual Sign -- a sign designed so that the characters or letters can be changed or rearranged manually without altering the underlying face or size of the sign.
- (c) Double-Faced Sign -- a sign with two parallel, or nearly parallel, faces, which are placed back to back and are separated by not more than twenty four (24) inches.
- (d) Multiple Sign -- a freestanding sign structure on which more than one single-faced or double-faced sign may be mounted within an overall frame.
- (e) Single-Faced Sign -- a sign on which a message is displayed on one side thereof only.

Site Plan. A drawing or map depicting the dimensions and property line monuments of the lot to be built on, the location and size of existing and proposed structures, easements (public and private), water courses, fences, street names and street right of way lines, driveways, and all other information required which indicates compliance with this Ordinance.

Solid Waste. Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing. Solid waste may be categorized as follows: (1) Agricultural-Solid Waste that results from the raising and slaughtering of animals, and the processing of animal products and orchard and field crops; (2) Commercial-Waste generated by stores, offices and other activities that do not actually turn out a product; (3) Industrial-Waste that results from industrial processes and manufacturing; (4) Institutional-Waste originating from educational, health care and research facilities; (5) Municipal-Residential and commercial solid waste generated within a community; (6) Pesticide-The residue from the manufacturing, handling, or use of chemicals intended for killing plant and animal pests; (7) Residential-Waste that normally originates in a residential environment, sometimes called domestic solid waste.

Solid Waste Disposal. The ultimate disposition of solid waste that cannot be salvaged or recycled.

Special Exception. A use which may be allowed for a specific lot in a district if the use is listed as a Special Exception for the district and if the Town Council, after a public hearing and a recommendation by the Planning Commission, deems it appropriate. In evaluating the proposed use, the Town Council considers the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values. The Town Council may stipulate additional requirements for the use to protect the public interest.

Special Exception Permit. A permit which indicates the conditions of use for a specific lot in a district which has been approved for Special Exception by the Town Council.

Special Exception Use Permit (also referred to as a “use permit”). A permit issued by the Board of Zoning Appeals which allows modification of placement requirements for structures in all zoning districts of the Town.

Story. That portion of a building, other than the basement, included between the surface of the floor and the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

Story, Half. A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two thirds (2/3) of the floor area is finished off for use.

Substantial Construction. Means construction of such strength, material, and workmanship that the object will withstand all reasonable shock, wear, and useage to which it will be subjected. (4VAC25-40-10).

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

Substantial Improvement. Any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. This term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified to the local code enforcement official and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s designation as a historic structure.

Surveyor. A land surveyor certified by the Commonwealth of Virginia.

Temporary. As applied to this district (Drop Site), a period of time not to exceed seven consecutive days.

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

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Townhouse. A one family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Townhouse Development. One or more groups of townhouses, with accessory parking, open space, and recreational and management facilities.

Tree. A woody perennial plant having a single main stem.

Truck Terminal. A building and/or area in which freight is handled, stored, or transferred and in which all or part of a tractor-trailer is parked.

Truck Stop. A structure built to accommodate tractor-trailers, large motor trucks, and commercial buses with fuel, oil, and maintenance services; large parking areas and restaurants are also frequently associated with truck stops.

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

Variance. Means in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size or area of a lot or parcel of land; or the size, height, area, bulk or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property and such need for a variance would not be generally shared by other properties and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning. (*Amended 3-12-16*).

Wayside Stand, Roadside Stand, Wayside Market. Any structure or land used for the sale of agriculture or horticulture produce, livestock, or merchandise produced on a farm or garden and sold by the producer of the merchandise on land owned by the salesperson or another person and located adjacent to a road or highway.

Wrecked Automobile. Any automobile which has experienced exterior and/or interior damage to the extent that it is either incapable of being driven or it will not pass the Department of Motor Vehicles inspection.

Yard, Required Rear. The open space between the rear lot line and the buildable area within which no structure shall be located except as provided in the zoning ordinance. The area is determined by the lot regulations.

Yard, Required Side. The open space extending from the front yard to the rear yard between the side lot line and the buildable area. The area is determined by the lot regulations.

**ARTICLE 1200
MAPS**

**Section 1201
MAP**

Figure 2 illustrates the location of the zoning districts as established upon the adoption of this Zoning Ordinance. The Zoning Administrator must be consulted for official determination of the actual property zoning.

**Section 1202
Official Zoning Map**

The Official Zoning Map shall be kept up-to-date in a timely manner by the Zoning Administrator.

Table 1
 Lot Regulations by District—Town of Pulaski Zoning
 (Main Zoning Districts)

District	Minimum Lot Size***	Minimum Setback*	Minimum Width at Setback	Minimum Lot Depth	Minimum Side Yard****	Minimum Rear Yard	Minimum Frontage	Maximum Height**	Maximum Lot Coverage
RR-1	22,500 sqft.	35'	150'	150'	12'	25'	25'	35'	
R-1	12,500 sqft.	35'	100'	100'	12'	25'	25'	35'	
R-2	10,000 sqft.	35'	100'	100'	10'	25'	25'	35'	
R-3	8,500 sqft (a)	25'	75'	100'	5'	25'	25'	35'	30%
R-4	4,000 sqft. (a)	25'	50'	80'	5'	25'	25'	35'	60%
RO-1	10,000 sqft.	25'	100'	100'	10'	25'	25'	35'	50%
R-5 (Permitted Use)	43,560 sqft	25'	150'	150'	5'	25'	25'	35'	
R-5 PUD	-----	-----	Requires	Detailed	Plan	-----	-----	-----	
MH-1	43,560 sqft. MH Park	35'	150'	300'		35'			
MH-1 Park Lot	7,200 sqft MHP	-----	Requires	Detailed	Plan	10'	-----	-----	
B-1	NA		-----	-----	(b)	-----	-----	48'	
B-2	5,000 sqft.	25'	25'	-----	(b)	-----	-----	35'	
B-3	N/A	N/A	-----		(b)	-----	-----	48'	
I-1	20,000 sqft.	-----	Requires	Detailed	Plan	-----	-----	-----	
I-2	43,560 sqft.	-----	Requires	Detailed	Plan	-----	-----	-----	

Lot Regulation Notes

- (a) R-3 and R-4 lot area add 5,000 square feet for each added unit in multi-family development and increase lot width by 50 feet. Lot coverage=30%
- (b) Single-family residential uses use R-2 requirements.
- (c) Where both public water and sewer are NOT provided, the lot size is increased by 20,000 sqft. or more as required by the Health Dept. ***

*60' from the center line of streets of less than 50' ROW.

Add 10 feet for corner lots. Minimum setback requirements of the Ordinance for yards facing streets shall not apply to any lot where the average setback on developed lots within the same block and zoning district and fronting on the same street is less than the minimum. In such cases, the setback on such a lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

**The height limit for dwellings may be increased up to 48 feet and up to three stories provided each side yard is 20 feet, plus 1 foot or more of side yard for each additional foot of building height over 35 feet.

A public or semi-public building such as a school, church, or library may be erected to a height of 60 feet from grade provided that the required front, side, and rear yards shall be increased 1 foot for each foot in height over 35 feet. Church spires, belfries, cupolas, municipal water towers, chimneys, flue, flagpoles, communications antenna and aerials area exempt. Satellite dish antennas are not exempt.

For buildings over 48 feet in height, approval shall be obtained from the Town. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities, not normally occupied by workmen are excluded from this limitation.

***All uses within 500 feet of the public system are required to connect to the system.

Parapet walls are permitted up to 4 feet above the height of the building on which the walls rest.

****All property located in a business district which adjoins any residential district or is separated from any residential district only by a public street or way, shall have a 10 foot side yard on the side or sides adjoining or adjacent to the residential district.

*****The minimum distance between buildings may be reduced to 10 feet provided fire rated construction is utilized i.e.—1 hour rated materials

Accessory Buildings*****
 Lot Regulations by District
 Town of Pulaski Zoning

District	Minimum to Main Building	Minimum Side Yard	Minimum Rear Yard	Maximum Height
RR-1	By Ordinance 2006-21, there is no longer any required minimum distance from primary structures to accessory structures in residential districts. Accessory structures must be five feet from any property lines. Accessory structures may not exceed 40% of the area of the footprint of the primary			20'
R-1				20'
R-2				20'
R-3				20'
R-4				20'
RO-1				20'
R-5 (Permitted Use)				20'
R-5 PUD	-----	Requires	Detailed	Plan
MH-1	20'	20'	20'	15'
MH-1 Park Lot	5'	5'	5'	15'
B-1	5'	5'	5'	10'
B-2	5'	5'	5'	10'
B-3	5'	5'	5'	10'
I-1	-----	Requires	Detailed	Plan
I-2	-----	Requires	Detailed	Plan

*****The minimum distance between buildings may be reduced to 10 feet provided that fire rated construction is utilized. i.e., 1 hour rated materials.

Area Standards for Planned Development District (R-5 PUD)

Minimum Lot Area:

Single-family	8,500 sq.ft.
Duplex	4,000 sqft.
Town House	1,200 sqft.

Front Yard Setback

Single-family	30 ft.
Duplex	25 ft.
Town House	18 ft.

Rear Yard:

Single-family	25 ft.
Duplex	25 ft.
Town House	15 ft.

Minimum Lot Width:

Single-family	60 ft.
Duplex	40 ft. @ unit
Town House	Minimum width of townhouse units, 16 ft. with an average of 18 feet in a group.

Side Yard:

Single-family	8 ft.
Duplex	8 ft.
Town House	18 ft.

Additional Standards:

Maximum density per gross acre:	10.5 units per acre
Dwelling height	35 feet
Accessory Building Height	1 story
Height of other buildings	40 feet
Minimum tract size	5 acres
Minimum open space	30% of tract
Maximum lots on a pipe stem	2

ORDINANCE 2006-04

ORDINANCE ALLOWING BED AND BREAKFAST ESTABLISHMENTS
AS A SPECIAL EXCEPTION IN THE
R-1 RESIDENTIAL DISTRICT AND RESIDENTIAL HISTORIC DISTRICTS

WHEREAS, the Town Council of the Town of Pulaski, Virginia held a properly advertised public hearing and considered the issue of permitting bed and breakfast establishments in the R-1 Residential District; and

WHEREAS, the Planning Commission in a duly advertised public hearing held November 14, 2005 recommended that bed and breakfast establishments be permitted as a special exception in the locations where the R-1 and Residential Historic Districts overlap; and

WHEREAS, the Town Council conducted a duly advertised public hearing on the Planning Commission's recommendation on December 6, 2005 wherein the public's comments were sought;

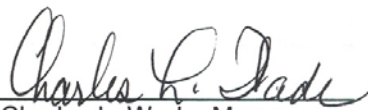
NOW, THEREFORE be it **ORDAINED** by the Town Council of the Town of Pulaski, Virginia sitting in regular session this 10th day of January, 2006 that the zoning regulations and zoning map be modified so that bed and breakfast establishments are permitted as a special exception in the locations where the R-1 and Residential Historic Districts overlap as shown in Attachment A of this ordinance attached hereto and made a part hereof. The Town Council in evaluating the proposed use has considered the effect of the proposed use on traffic in the neighborhood, the current and future need of the proposed use in the town, the character of the existing neighborhood, and the effect of the proposed use on existing property values and the Town Council has determined that none of the above factors outweigh the benefits of the use or would be a substantial factor that would justify denying the use.

This ordinance is effective upon adoption and is hereby adopted this 10th day of January, 2006 by the duly recorded vote of the Town Council of the Town of Pulaski, Virginia as follows:

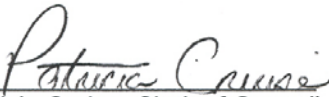
Jeffrey S. Worrell - Aye
Daniel Talbert, Jr. - Aye
Bettye H. Steger - Aye

Lane R. Penn - Aye
John T. Bolen - Aye
Joel B. Burchett, Jr. - Aye

THE TOWN OF PULASKI, VIRGINIA

By: 
Charles L. Wade, Mayor

ATTEST:


Patricia Cruise, Clerk of Council

ATTACHMENT A—ORDINANCE 2006-04

OVERLAY DISTRICT PERMITTING
BED AND BREAKFAST AS A SPECIAL
EXCEPTION

