

# ACCAWMACKE PLANTATION

## A PLANNED UNIT DEVELOPMENT (PUD)

**February 9, 1993**

**Revision July 15, 1997 (Division 6, Article 7.1)**

**Revision December 2, 2002 (Division 6, Article 4.3)**

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**Revision January 6, 2006 (Division 6, Article 8)**

**Revision July 24, 2006 (Division 6, Article 9, Section 9.8)**

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## PROJECT CONSULTANTS

### ARCHAEOLOGY

James River Institute for Archaeology  
The Yeardley House  
Jamestown Island  
Jamestown, VA 23081

### CIVIC & ENVIRONMENTAL ENGINEERING

Espey, Huston and Associates  
460 McLaws Circle, Suite 150  
Williamsburg, VA 23185

### COASTAL & ENVIRONMENTAL ENGINEERING

Applied Technology and Management  
P O Box 20336  
Charleston, SC 29413-0336

### GOLF COURSE ARCHITECT

Ault, Clark & Associates, Ltd.  
3812 Farragut Avenue  
Kensington, MD 20895

### LEGAL

Shuttleworth, Ruloff, Giordano & Kahle  
4425 Corporation Lane, Suite 300  
Virginia Beach, VA 23462

### MARKETING

Scott / Permar / Ravenel  
One Beachwalker Office Park  
Kaiwah Island, SC 29455

### SITE PLANNING

Edward D. Stone, Jr. and Associates  
1512 E. Broward Blvd., Suite 110  
Fort Lauderdale, FL 33301

### TRAFFIC ENGINEERING

Kimley-Horn and Associates  
P O Box 33068  
Raleigh, NC 27636-3068

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## **DIVISION 1**

### **MUNICIPAL AUTHORIZATION**

AN ORDINANCE APPROVING THE REZONING APPLICATION AND ESTABLISHING ZONING AND OTHER LAND USE REGULATIONS BY APPROVING THE APPLICATION AND PLANNED UNIT DEVELOPMENT (PUD) DOCUMENT SUBMITTED BY BROWN & ROOT I, INC. FOR ACCAWMACKE PLANTATION

WHEREAS, Chapter 11 of Title 15.1, of the Code of Virginia, 1950 as amended empowers Towns to enact zoning ordinances and to provide for their administration, enforcement and amendment; and

WHEREAS, the Charter of the Town of Cape Charles confers in the Town of Cape Charles certain general powers relevant to zoning and the accomplishment of those purposes upon due consideration of the recommendations of the Planning Commission of the Town of Cape Charles; and

WHEREAS, Brown & Root I, Inc., has submitted a PUD Rezoning Application and proposed PUD Document setting for the zoning, and other land use regulations applicable to the properties, which are more fully described in its Rezoning Application for the PUD generally as Accawmacke Plantation; and

WHEREAS, the PUD Document submitted with said application has been prepared in accordance with the procedures, purposes and powers set forth in the Code of Virginia, the Charter of the Town of Cape Charles and have been recommended for approval to the Town Council by the Cape Charles Planning Commission.

WHEREAS, The Town of Cape Charles and Brown & Root I, Inc. have agreed on all Proffers resulting from the Annexation and governing the subsequent development of the property.

NOW THEREFORE, be it Ordained by the Town Council of the Town of Cape Charles:

1. That the PUD Rezoning Application and the PUD Document submitted by Brown & Root I, Inc. and attached hereto for the property described therein known as Accawmacke Plantation, be and the same hereby are approved.
2. That a copy of this Ordinance together with the aforesaid Rezoning Application and PUD Document shall be kept on file in the Clerk's Office of the Town of Cape Charles.
3. This Ordinance shall be effective on and from February 9, 1993, the day of adoption by the Cape Charles Town Council.

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## **DIVISION 2**

### **STATEMENT OF INTENT**

This Document and the Ordinance approving it are legal documents adopted pursuant to and in accordance with the powers set forth in; Chapter 11 of Title 15.1 of the Code of Virginia, 1950 as amended; the Charter of the town of Cape Charles, Virginia; and Article 14 of the Zoning Ordinance for the Town of Cape Charles.

The purpose of this Document, hereinafter (PUD Document) is to create a Planned Unit Development (PUD) known as Accawmacke Plantation in the Town of Cape Charles, Virginia as shown on Exhibit A, the Location Map. Accawmacke Plantation will provide for a range and mixture of residential, commercial, recreational and institutional facilities and services which will substantially benefit the residents of Accawmacke Plantation, Cape Charles and Northampton County.

The development of Accawmacke Plantation is in compliance with the planning goals, growth policies, and objectives of the Town of Cape Charles, for the following reasons:

1. Accawmacke Plantation will be compatible with and complementary to the Town and thus will help preserve the Town's atmosphere, character and charm.
2. Accawmacke Plantation will help maintain and enhance the architectural and historical integrity of the Town and surrounding area.
3. Accawmacke Plantation will help to promote the economic revitalization of the Cape Charles business district.
4. Accawmacke Plantation will be an efficient and economical extension of community facilities and services.
5. Accawmacke Plantation will feature peaceful residential neighborhoods, active lifestyles and community amenities complementary to the natural characteristics of the property.

The PUD Document presents the general plan of the development and the zoning, subdivision and site plan requirements applicable to Accawmacke Plantation. This Document incorporates many of the zoning and land use Ordinances of the Town, and where necessary, makes modifications to those Ordinances. All of these changes have been approved by the Town Council.

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### **DIVISION 3**

#### **OWNERSHIP AND LEGAL DESCRIPTION**

Ownership: The Owner of the property to which this PUD Document applies, otherwise known as Accawmacke Plantation is:

BROWN & ROOT I, INC.

Legal Description: The legal description of the property to which this PUD Document applies, is shown on Exhibit A, the Location Map and is more particularly described below:

PUD AREA  
1,895.44 (+) ACRES

SITUATED IN THE  
CAPEVILLE MAGISTERIAL DISTRICT  
AND WITHIN THE  
CORPORATE LIMITS OF CAPE CHARLES, VIRGINIA

Being a portion of a tract of land situated in the Capeville Magisterial District and within the Town of Cape Charles, Virginia as described in deed to Brown & Root, Inc. (Tax Parcel 90-4) as recorded in Deed Book 177, at Page 431 among the Land Records of Northampton County, Virginia whose bounds are hereby referenced to the found monumented northern line of Washington Avenue, bearing South 87°17'47" West, a distance of 1264.10 feet, the west terminus of this line being the southeastern corner of that tract of land described in Trust Deed to the United States of America as recorded in Deed Book 165 at Page 217 of the County Land Records, and being more particularly described by the metes and bounds as follows:

#### AREA WITHIN THE PUD, NORTH TRACT

BEGINNING at the PK Nail set in concrete 6 inches underground on the northerly right-of-way line of Washington Avenue (variable right-of-way), said point being the southwestern corner of that tract of land described in deed to Brown & Root, Inc., Parcel a, as recorded in the aforesaid County Land Records in Deed Book 177, at Page 431, thence along the eastern line of that tract of land described in deed to Seabreeze Associates, A Virginia Limited Partnership, as recorded in the aforesaid County Land Records in Deed Book 209 at Page 136 and Plat Book 12 at Page 57 and the eastern line of that parcel of land described in deed to Robert and Jeanne Schlegel, as recorded in the aforesaid County Land Records in Deed Book 209 at Page 133 and Deed Book 89 at Page 220 (plat), said line also being the western line of the aforesaid Brown & Root I, Inc., Parcel A, the following course:

North 02°41'38" West, plus or minus 640 feet to a point on the mean low water line of the Chesapeake Bay, thence;

Along said mean low water line and also the mean low water line of Kings Creek, said line also being on the Corporate Line of Cape Charles, the following course:

Northeasterly and thence Southerly, an approximate linear distance of plus or minus 8,887 feet to a point, thence;

Along the western line of that parcel of land described in deed to George J. Savage, Jr. and J. Thomas Savage, as recorded in the aforesaid County Land Records in Deed Book 173 at Page 657 and Deed Book 113 at Page 356 and Plat Book 5 at Page 21 the following eight (8) courses:

South 77°56'23" East, plus or minus 290 feet to a point, thence;

South 25°32'26" East, plus or minus 614.86 feet to a point, thence;

South 07°36'15" East, plus or minus 326.55 feet to a point, thence;

South 35°07'59" East, plus or minus 302.58 feet to a point, thence;

South 13°31'55" West, plus or minus 171.40 feet to a point, thence;

South 21°16'35" East, plus or minus 161.62 feet to appoint, thence;

South 02°51'35" West, plus or minus 234.78 feet to a point, thence;

South 26°02'28" East, plus or minus 108.47 feet to a point, said point being the southwestern corner of the aforesaid Savage Tract, thence;

Along the southwestern line of the aforesaid Savage Tract the following three (3) courses:

South 74°27'34" East, plus or minus 855 feet to a 48 inch oak, thence;

South 69°22'34" East, plus or minus 635.30 feet to a point, thence;

South 46°32'35" East, plus or minus 14.07 feet to a point along the northern right-of-way of Randolph Avenue, also known as Virginia State Route 184 as described in Virginia Department of Highways Deed Book 123 at Page 3 and Plat Book 2 at Page 9 of the aforesaid County Land Records, the said point being the eastern corner of the aforesaid Brown & Root I, Inc., Parcel A, thence;

Westerly along the aforesaid State Route 184 right-of-way, the following two (2) courses:

Along a curve with the radius of 1,960.00 feet, a length of 101.35 feet, a tangent of 50.69 feet and a delta of 02°57'46" to a point, thence;

South 77°47'21" West plus or minus 1,296.68 feet to a point, said point being the southeast corner of that parcel of land described in deed to Heritage Acres, Limited, as recorded in the aforesaid County Land Records in Deed Book 214 at Page 248 and Plat Book 13 at Page 24, thence;

Along the eastern, northern and western lines of the aforesaid Heritage Acres Trace, the following three (3) courses:

North 02°39'43" West, plus or minus 636.68 feet to a concrete monument found, thence;

South 84°52'58" West, plus or minus 537.06 feet to an iron rod found, thence;

South 02°39'43" East, plus or minus 698.83 feet to a point, said point being along the right-of-way of Randolph Avenue and the aforesaid State Route 184, thence;

Westerly, along the right-of-way of the aforesaid State Route 184, the following two (2) courses:

Along a curve with a radius of 2257.00 feet, a length of 73.65 feet, a tangent of 36.83 feet and a delta of 01°52'11" to a point, thence;

South 87°17'47" West, plus or minus 194.78 feet to a chiseled hole in a concrete sidewalk, said point being the intersection of the rights-of-way of the northern line of Randolph Avenue and the eastern line of Fulcher Street, thence;

Northerly, along the eastern right-of-way of Fulcher Street the following course:

North 02°42'13" West, plus or minus 730.00 feet to a point, said point being the intersection of the rights-of-way of the eastern line of Fulcher Street and the Southern line of Monroe Avenue, thence;

Westerly, along the northern right-of-way of Monroe Avenue the following two (2) courses:

South 87°17'48" West, plus or minus 70.00 feet to an iron rod found, thence;

South 87°19'26" West, plus or minus 240.00 feet to an iron rod found, thence;

Northerly, along the eastern line of those parcels of land described in deed to E. Wyllys Taylor, Etals, as Lots 39A-43A, as recorded in the aforesaid County Land Records in Deed Book 196 at Page 624 and Deed Book 197 at Page 725 and Deed Book 196 at Page 628 (plat), the following course:

North 02°44'18" West, plus or minus 140.00 feet to an iron rod found, thence;

Westerly, along the northern line of aforesaid Taylor parcels and those parcels of land described in deed to Thomas G. Godwin and Juanita B. Godwin as Lots 36A-38A, as recorded in the aforesaid County Land Records in Deed Book 202 at Page 235, the following course:

South 87°17'47" West, plus or minus 319.84 feet to an iron rod set along the eastern right-of-way of Fig Street, thence;

Northerly, along the eastern right-of-way of Fig Street the following course:

North 02°42'13" West, plus or minus 910.00 feet to a point, thence;

Easterly, the following course:

North 87°17'47" East, plus or minus 15.00 feet to a point, thence;

Northerly, the following course:

North 02°42'13" West, plus or minus 20.00 feet to a point, thence;

Westerly, the following course:

South 87°17'47" West, plus or minus 35.00 feet to a point, said point being the intersection of the rights-of-way of the eastern line of Fig Street and the northern line of Washington Avenue, thence;

Westerly, along the northern right-of-way of Washington Avenue, the following two (2) courses:

South 87°17'47" West, plus or minus 30.00 feet to a point, said point being the southwestern corner of that parcel described as Fig Street Extended, as shown on Plat by G.H. Bager, Jr. dated July and August, 1951, entitled

South 87°17'47" West, plus or minus 687.50 feet to an iron pipe set, said point being the southeastern corner of that parcel of land described by deed to Municipal Corporation of Cape Charles, Etc., as recorded in the aforesaid County Land Records in Deed Book 215 at Page 7 and Plat Book 13 at Page 21, thence;

Traversing the eastern, northern and western boundaries of the aforesaid Municipal Corporation of Cape Charles tract, the following three (3) courses:

North 02°43'13" West, plus or minus 60.00 feet to an iron rod set, thence;

South 87°17'47" West, plus or minus 60.00 feet to an iron rod set, thence;

South 02°42'13" East, plus or minus 60.00 feet to an iron rod set, said point being along the northern right-of-way of Washington Avenue, thence;

Westerly, along the northern right-of-way of Washington Avenue, the following course:

South 87°17'47" West, plus or minus 1264.10 feet to an iron rod set, said point being the southeastern corner of that parcel described in deed to United States of America, as recorded in the aforesaid County Land Records in Deed Book 165 at Page 217 and Plat Book 5 at Page 200, thence;

Traversing the eastern, northern and western boundaries of the aforesaid United States of America tract, the following three (3) courses:

North 02°42'13" West, plus or minus 380.49 feet to an iron rod found, thence;

South 87°17'47" West, plus or minus 215.00 feet to a point, thence;

South 02°44'12" East, plus or minus 400.49 feet to a point, said point being along the northern right-of-way of Washington Avenue, thence;

Westerly along the right-of-way of Washington Avenue the following course:

South 87°17'47" West, plus or minus 172.30 feet to the TRUE POINT OF BEGINNING.

Hereinafter the Area of the PUD, North Tract, and containing approximately 183.5 acres, more or less.

#### AREA WITHIN THE PUD, SOUTH TRACT

BEGINNING at a concrete monument on the westerly line of Virginia State Route 642 (50 foot right-of-way at this point), said point being the southeasterly corner of that tract of land described in deed to George W.J. Robberecht, as recorded in the aforesaid County Land Records in Deed Book 171 at Page 184 and Deed Book 101 at Page 7, thence;

Southwesterly, beginning along the southern boundary of the aforesaid Robberecht Tract and also being part of the northern line of that tract of land described in deed to Brown & Root, Inc., as Parcel C, as recorded in the aforesaid County Land Records in Deed Book 177 at Page 431, the following course:

South 78°41'38" West, plus or minus 3313.18 feet to an iron rod found; thence;

Southeasterly, along the common line shared with that tract of land as described in deed to Bayshore Concrete Products, Inc., as recorded in the aforesaid County Land Records in Deed Book 160 at Page 430 and Deed Book 143 at Page 124 and Plat Book 5 at Page 111 and the aforesaid Brown & Root I, Inc., Parcel C, the following two (2) courses:

South 02°15'48" East, plus or minus 998.37 feet to an iron rod found; thence along the southern boundary fo the aforesaid Bayshore Concrete parcel thence;

South 78°41'37" West, plus or minus 1890 feet, to a point on the mean low water line of the Chesapeake Bay, also being the northwesterly line of said Brown & Root I, Inc., parcel C thence;

Following along said mean low water line and said Brown & Root I, Inc., Parcel C, the following course:

Southerly and Southeasterly, and approximate linear distance of plus or minus 8,700 feet to point on the mean low water line of the Chesapeake Bay, thence;

Along a line, said line being the southwesterly line of the Brown & Root I, Inc., Parcel C, the following course:

South 02°16'00" East, plus or minus 910 feet to the approximate point where the mean low water line of the Chesapeake Bay intersects the centerline of Old Plantation Creek, said centerline being determined by its geographic location in relation to the mean low water line, thence;

Along said centerline the following course:

Northerly, along said centerline of Old Plantation Creek and including any mudflats to the west and north of said centerline as contained within the limits as described herewith an approximate linear distance of plus or minus 16,600 feet to a point in the centerline of Old Plantation Creek, thence;

North 7°53'00" West, plus or minus 280 feet to a point in the centerline of Old Plantation Creek, thence;

Along the aforesaid Brown & Root I, Inc., Parcel C, the following nine (9) courses:

North 12°02'37" East, plus or minus 220 feet to a point, thence;

North 10°56'23" West, plus or minus 275.00 feet to a point, thence;

North 00°07'00" West, plus or minus 346.16 feet to a point, thence;

North 54°32'47" West, plus or minus 473.77 feet to a point, thence;

North 38°38'11" West, plus or minus 244.73 feet to a point, thence;

North 13°19'32" West, plus or minus 240.21 feet to a point, thence;

North 09°14'30" East, plus or minus 194.31 feet to a 1 inch iron pin set in a stump hole, thence;

North 49°21'47" West, plus or minus 505.26 feet to a concrete monument found, thence;

North 35°09'30" West, plus or minus 5.09 feet to a point on the existing southerly right-of-way line of Virginia State Route 642, said Route 642, as contained within the limits described herewith, are a part of the Area of the PUD, South Tract, thence;

Crossing the right-of-way of the aforesaid State Route 642 along the following course:

North 35°09'34" West, plus or minus 30.63 feet to a point on the northerly right-of-way of the aforesaid State Route 642, said point being the southeasterly corner of that parcel of land, Parcel B, as described to Brown & Root, Inc., as recorded in the aforesaid County Land Records in Deed Book 177 at Page 431; thence;

North 35°09'31" West, plus or minus 1.86 feet to a concrete monument found, thence;

North 35°21'19" West, plus or minus 177.35 feet to a 1 inch iron pin set in a stump hole, thence;

North 41°09'03" West, plus or minus 549.60 feet to an iron rod set, thence;

North 40°18'07" West, plus or minus 741.00 feet to a point, said point being the northeasterly corner of the Brown & Root I, Inc., aforesaid Parcel B, thence;

Following the northerly line of the aforesaid Brown & Root I, Inc., Parcel B the following course:

South 77°12'33" West, plus or minus 3380.95 feet to a point, said point being the northwesterly corner of the aforesaid Brown & Root I, Inc., Parcel B, thence;

In a southeasterly direction along the western line of the aforesaid Brown & Root I, Inc., parcel B, also being the eastern line of Virginia State Route 642, 50 foot right-of-way at this point, the following course:

South 25°09'40" East, plus or minus 1278.57 feet to a point, said point being the southwestern corner of the aforesaid Brown & Root I, Inc., Parcel B, thence;

Crossing the aforesaid State Route 642 the following course:

South 78°23'32" West, plus or minus 51.43 feet to a point, thence;

Northeasterly, along the western right-of-way of the aforesaid State Route 642, the following course:

North 25°09'39" West, plus or minus 6.52 feet to the TRUE POINT OF BEGINNING.

Hereinafter the Area of the PUD, South Tract, and containing approximately 1,712 Acres more or less.

## **DIVISION 4**

### **GENERAL PLAN OF DEVELOPMENT**

#### **A. PURPOSE**

Accawmacke Plantation occupies approximately 1,900 acres within the jurisdiction of the Town of Cape Charles, Virginia. Accawmacke Plantation will be a fully integrated planned community incorporating residential and commercial uses and recreational amenities. These uses will serve both private residential as well as resort-oriented functions. Utilities, roadways and water management systems will accommodate the development and adapt to and conserve the various natural elements of the property, wherever possible.

This PUD Document establishes guidelines and standards for development to protect the environment and maintain a high quality lifestyle for the residents. This PUD Document strictly controls the permitted uses, setbacks, heights, and minimum lot requirements while allowing the flexibility necessary to accommodate a planned, long term development. This flexibility allows varied land use, dwelling styles and building sites that adapt to the natural characteristics of the land.

#### **B. LAND USE DISTRICTS**

The Land Use Districts are established as shown on Exhibit B, the Zoning District Plan. Table I, the Land use Summary lists the estimated acreage of each zoned District within the PUD.

#### **C. CONCEPTUAL DEVELOPMENT PLAN**

Exhibit C, the Land Use Classification Plan illustrates tentative locations of the various land uses, streets, golf, water bodies and other major features. Variations in design, location and acreage of the permitted Land use classifications shall be permitted to accommodate topography, vegetation, drainage patterns, natural characteristics of the land, and site or market conditions, but only in accordance with the PUD Document. The location of a Land Use Classification shall be established upon recordation of a subdivision plat for the area proposed for imminent development. Changes of platted Land Use classifications, subsequent to recordation shall be deemed an amendment to the PUD and shall require the filing of an application for an amendment with the Town of Cape Charles.

#### **D. DENSITY**

A maximum of 3,000 residential dwelling units are permitted within the 1,900 acre PUD. This results in a maximum gross density of approximately 1.6 dwelling units per acre. Table II indicates the currently projected distribution of residential dwelling units among the permitted residential Land Use Classifications.

#### **E. DEVELOPMENT PHASING PLAN**

Exhibit D, the Phasing Plan shows the currently projected phasing for Accawmacke Plantation. Actual phasing will ultimately respond to economic and market conditions, however, in all cases, phasing will be coordinated with the Town's utilities.

#### **F. PRESERVATION OF TREES**

The Developer reserves the right to preserve trees within road rights-of-way and parking areas.

## **G. LAKES AND RETENTION**

Lakes have been proposed to increase the efficiency of the water management system and enhance the overall aesthetic character of Accawmacke Plantation. The lakes will be an integral part of the Stormwater system. Design of the lakes will accommodate drainage, water quality, aesthetics, and irrigation requirements.

## **H. STREETS**

All streets within Accawmacke Plantation may be either public or private, at the discretion of the Developer. Security gating and/or guardhouses may be located within private rights-of-way.

**DIVISION 5**

**ZONING DISTRICTS FOR ACCAWMACKE PLANTATION**

**A. AUTHORIZED DISTRICTS**

For purposes of this PUD Document, the Property described within the PUD Rezoning Application and the attached Exhibit A, known as Accawmacke Plantation, is hereby divided into the following Zoning Districts:

- R District (Residential)
- SC District (Specialty Commercial)
- C District (Commercial)
- GBI District (General Business/Industrial)

**B. LEGAL BOUNDARY DESCRIPTION**

The boundaries of the Districts referenced above are shown on Exhibit B, the Zoning District Plan and are more fully described as follows:

1. The R District (Residential) – North Tract

BEGINNING at a PK Nail set in concrete 6 inches underground on the northerly right-of-way line of Washington Avenue (variable right-of-way), said point being the southwestern corner that tract of aforesaid Brown & Root I, Inc., Parcel A, thence along the eastern line of that tract of land described in deed to Seabreeze Associates, A Virginia Limited Partnership, as recorded in the aforesaid County Land Records in Deed Book 209 at Page 136 and Plat Book 12 at Page 57 and the eastern line of that parcel of land described in deed to Robert and Jeanne Schlegel, as recorded in the aforesaid County Land Records in Deed Book 209 at Page 133 and Deed Book 89 at Page 220 (plat), said line also being the western line fo the aforesaid Brown & Root I, Inc., parcel A, the following course:

North 02°41'38" West 640 (plus or minus) feet to a point on the mean low water line of the Chesapeake Bay, thence along said mean low water line and also the mean low water line of Kings Creek, said line also being on the Corporate Line of Cape Charles, the following course:

Northeasterly an approximate linear distance of 2,141 (plus or minus) feet to a point, thence, across the lands of the aforesaid Brown & Root I, Inc., Parcel A, the following eight (8) courses:

South 45°00'00" East, plus or minus 896.96 feet to a point, thence;

South 45°00'00" West, plus or minus 879.67 feet to a point, thence;

North 45°00'00" West, plus or minus 243.48 feet to a point, thence;

South 45°00'00" West, plus or minus 443.21 feet to a point, thence;

South 02°42'13" East, plus or minus 101.34 feet to a point, thence;

North 87°17'47" East, plus or minus 1,207.48 feet to a point, thence;

North 02°42'13" West, plus or minus 332.92 feet to a point, thence;

North 45°00'00" East, plus or minus 652.49 feet to a point on the mean low water line of Kings Creek, thence;

Southerly along the mean low water line of Kings Creek an approximate linear distance of 1,021 (plus or minus) feet to a point along the western line of that parcel of land described in deed to George J. Savage, Jr. and J. Thomas Savage, as recorded in the aforesaid County Land Records in Deed Book 173 at Page 657 and Deed Book 113 at Page 356 and Plat Book 5 at Page 21 the following eight (8) courses:

South 77°56'23" East, plus or minus 290 feet to a point, thence;

South 25°32'26" East, plus or minus 614.86 feet to a point, thence;

South 07°36'15" East, plus or minus 326.55 feet to a point, thence;

South 35°07'59" East, plus or minus 302.58 feet to a point, thence;

South 13°31'55" West, plus or minus 171.40 feet to a point, thence;

South 21°16'35" East, plus or minus 161.62 feet to a point, thence;

South 02°51'35" West, plus or minus 234.78 feet to a point, thence;

South 26°02'28" East, plus or minus 108.47 feet to a point, said point being the southwestern corner of the aforesaid Savage Tract, thence;

Along the southwestern line of the aforesaid Savage Tract the following three (3) courses:

South 74°27'34" East, plus or minus 855 feet to a 48 inch oak, thence;

South 69°22'34" East, plus or minus 635.30 feet to a point, thence;

South 46°32'34" East, plus or minus 14.07 feet to a point along the northern right-of-way of Randolph Avenue, also known as Virginia State Route 184 as described in Virginia Department of Highways Deed Book 123 at Page 3 and Plat Book 2 at Page 9 of the aforesaid County Land Records, the said point being the eastern corner of the aforesaid Brown & Root I, Inc., Parcel A, thence;

Westerly along the aforesaid State Route 184 right-of-way, the following two (2) courses:

Along a curve with a radius of 1,960.00 feet, a length of 101.35 feet, a tangent of 50.69 feet and a delta of 02°57'46" to a point, thence;

South 77°47'21" West, plus or minus 1,296.68 feet to a point, said point being the southeast corner of that parcel of land described in deed to heritage Acres, Limited, as recorded in the aforesaid County Land Records in Deed Book 214 at page 248 and Plat Book 13 at Page 24, thence;

Along the eastern, northern and western lines of the aforesaid Heritage Acres Tract, the following three (3) courses:

North 02°39'43" West, plus or minus 636.68 feet to a concrete monument found, thence;

South 84°52'58" West, plus or minus 537.06 feet to an iron rod found, thence;

Westerly, across the aforesaid Brown & Root I, Inc., parcel A, the following course:

South 84°52'58" West, plus or minus 269.16 feet to a point on the common line of the aforesaid Brown & Root I, Inc., Parcel A and the eastern right-of-way line of Fulcher Street, thence;

Northwesterly, along the aforesaid Brown & Root I, Inc., Parcel A, the following course:

North 02°42'13" West, plus or minus 41.30 feet to a point, thence;

Westerly, along the northern right-of-way of Monroe Avenue the following two (2) courses:

South 87°17'48" West, plus or minus 70.00 feet to an iron rod found, thence:

South 87°19'26" West, plus or minus 240.00 feet to an iron rod found, thence:

Northerly, along the eastern line of those parcels of land described in deed to E. Wyllys Taylor, Etals. As Lots 39A-43A, as recorded in the aforesaid County Land Records in Deed Book 196 at Page 624 and Deed Book 197 at Page 725 and Deed Book 196 at Page 628 (plat), the following course:

North 02°44'18" West, plus or minus 140.00 feet to an iron rod found, thence;

Westerly, along the northern line of aforesaid Taylor parcels and those parcels of land described in deed to Thomas G. Godwin and Juanita B. Godwin as Lots 36A-38A, as recorded in the aforesaid County Land Records in Deed Book 202 at Page 235, the following course:

South 87°17'47" West, plus or minus 319.84 feet to an iron rod set along the eastern right-of-way of Fig Street, thence;

Northerly, along the eastern right-of-way of Fig Street the following course:

North 02°42'13" West, plus or minus 910.00 feet to a point, thence;

Easterly, the following course:

North 87°17'47" East, plus or minus 15.00 feet to a point, thence;

Northerly, the following course:

North 02°42'13" West, plus or minus 20.00 feet to a point, thence;

Westerly, the following course:

South 87°17'47" West, plus or minus 35.00 feet to a point, said point being the intersection of the rights-of-way of the eastern line of Fig Street and the northern line of Washington Avenue, thence;

Westerly, along the northern right-of-way of Washington Avenue, the following two (2) courses:

South 87°17'47" West, plus or minus 30.00 feet to a point, said point being the southwestern corner of that parcel described as Fig Street Extended, as shown on Plat by G.H. Bager, Jr. dated July and August, 1951, entitled Property of the Estate of Mathilde Townsend Welles, Deceased and as contained within the limits described herewith as part of the Area of PUD, North Tract, thence;

South 87°17'47" West, plus or minus 687.50 feet to an iron pipe set, said point being the southeastern corner of that parcel of land described by deed to Municipal Corporation of Cape Charles, Etc., as recorded in the aforesaid County Land Records in Deed Book 214 at Page 7 and Plat Book 13 at Page 21, thence;

Traversing the eastern, northern and western boundaries of the aforesaid Municipal Corporation of Cape Charles tract, the following three (3) courses:

North 02°42'13" West, plus or minus 60.00 feet to an iron rod set, thence;

South 87°17'47" West, plus or minus 60.00 feet to an iron rod set, thence;

South 02°42'13" East, plus or minus 60.00 feet to an iron rod set, said point being along the northern right-of-way of Washington Avenue, thence;

Westerly, along the northern right-of-way of Washington Avenue, the following course:

South 87°17'47" West, plus or minus 1,264.10 feet to an iron rod set, said point being the southeastern corner of that parcel described in deed to United States of America, as recorded in the aforesaid County Land Records in Deed Book 164 at Page 217 and Plat Book 5 at Page 200, thence;

Traversing the eastern, northern and western boundaries of the aforesaid United States of America Tract, the following three (3) courses:

North 02°42'13" West, plus or minus 380.49 feet to an iron rod found, thence;

South 87°17'47" West, plus or minus 215.00 feet to a point, thence;

South 02°44'12" East, plus or minus 400.49 feet to a point, said point being along the northern right-of-way of Washington Avenue, thence;

Westerly along the right-of-way of Washington Avenue the following course:

South 87°17'47" West, plus or minus 172.30 feet to the TRUE POINT OF BEGINNING.

Hereinafter the Residential District, North Tract, and containing approximately 133.62 acres, more or less.

2. The R District (Residential) – South Tract

BEGINNING at a concrete monument on the westerly line of Virginia State Route 642 (50 foot right-of-way at this point), said point being the southeasterly corner of that tract of land described in deed to George W.J. Robberecht, as recorded in the aforesaid County Land Records in Deed Book 171 at Page 184 and Deed Book 101 at Page 7; thence in a southwesterly direction beginning along the southerly boundary of the aforesaid Robberecht Tract and also being part of the northerly line of that tract of land described in deed to Brown & Root, Inc., Parcel C, as recorded in the aforesaid County Land Records in Deed Book 177 at Page 431, the following course:

South 78°41'38" West, plus or minus 3,313.18 feet to an iron rod found, thence;

Southeasterly, along the common line shared with that tract of land as described in deed to Bayshore Concrete Products, Inc., as recorded in the aforesaid County Land Records in Deed Book 160 at Page 430 and Deed Book 143 at Page 124 (plat) and the aforesaid Brown & Root I, Inc., Parcel C, the following two (2) courses:

South 02°15'48" East, plus or minus 998.37 feet to an iron rod found; thence along the southern boundary of the aforesaid Bayshore Concrete parcel thence;

South 78°41'37" West, plus or minus 1,890 feet, to a point on the mean low water line of the Chesapeake Bay, also being the northwesterly line of said Brown & Root I, Inc., Parcel C, thence;

Following along the aforesaid mean low water line and the aforesaid Brown & Root I, Inc., Parcel C, the following course:

Southerly, an approximate linear distance of plus or minus 4,458 feet to a point, thence;  
Across the lands of the aforesaid Brown & Root I, Inc., Parcel C, the following nine (9) courses:

North 67°05'52" East, plus or minus 953.71 feet to a point, thence;

North 24°31'55" West, plus or minus 577.01 feet to a point, thence;

North 67°24'53" East, plus or minus 734.28 feet to a point, thence;

South 13°47'57" East, plus or minus 763.32 feet to a point, thence;

North 77°14'13" East, plus or minus 421.60 feet to a point, thence;

South 30°00'21" East, plus or minus 802.20 feet to a point, thence;

South 44°59'14" West, plus or minus 610.14 feet to a point, thence;

North 61°34'04" West, plus or minus 420.62 feet to a point, thence;

South 68°01'47" West, plus or minus 1,152.96 feet to a point on the mean low water line of the Chesapeake Bay, thence;

Southerly and Southeasterly, along the mean low water line of the Chesapeake Bay an approximate linear distance of plus or minus 3,287 feet to a point on the mean low water line of the Chesapeake Bay, thence;

Southwesterly along the line of the aforesaid Brown & Root I, Inc., Parcel C, the following course:

South 02°16'00" East, plus or minus 910 feet to the approximate point where the mean low water line of the Chesapeake Bay intersects the centerline of Old Plantation Creek, said centerline being determined by its geographic location in relation to the mean low water line, thence;

Along the aforesaid centerline of Old Plantation Creek the following course:

Northerly, and including any mudflats to the west and north of said centerline as contained within the limits as described herewith an approximate linear distance of plus or minus 16,600 feet to a point in the centerline of Old Plantation Creek, thence;

North 7°53'00" West, plus or minus 280 feet to a point in the centerline of Old Plantation Creek, thence;

Along the aforesaid Brown & Root I, Inc., Parcel C, the following nine (9) courses:

North 12°02'37" East, plus or minus 220 feet to a point, thence;

North 10°56'23" West, plus or minus 275.00 feet to a point, thence;

North 00°07'00" West, plus or minus 346.16 feet to a point, thence;

North 54°32'47" West, plus or minus 473.77 feet to a point, thence;

North 38°30'11" West, plus or minus 244.73 feet to a point, thence;

North 13°19'32" West, plus or minus 240.21 feet to a point, thence;

North 09°14'30" East, plus or minus 194.31 feet to a 1 inch iron pin set in a stump hole, thence;

North 49°21'47" West, plus or minus 505.26 feet to a concrete monument found, thence;

North 35°09'30" West, plus or minus 5.09 feet to a point on the existing southerly right-of-way line of Virginia State Route 642, said Route 642, as contained within the limits described herewith, are a part of the Area of the PUD, South Tract, thence;

Crossing the right-of-way of the aforesaid State Route 642 along the following course:

North 35°09'34" West, plus or minus 30.63 feet to a point on the northerly right-of-way line of the aforesaid State Route 642, said point being the southeasterly corner of that parcel of land, known as Parcel B, as described to Brown & Root Inc., and recorded in the aforesaid County Land Records in Deed Book 177 at Page 431, thence;

Along the easterly line of the aforesaid Brown & Root I, Inc., Parcel B and also being the westerly line of that parcel of land as described to Vernon & Betty martin in Deed Book 160 at Page 287 and Deed Book 113 at Page 482 (plat) as recorded in the aforesaid County Land Records the following four (4) courses:

North 35°09'31" West, plus or minus 1.86 feet to a concrete monument found, thence;

North 35°21'19" West, plus or minus 177.35 feet to a 1 inch iron pin set in a stump hole, thence;

North 41°09'03" West, plus or minus 549.60 feet to a point, thence;

North 40°18'07" West, plus or minus 741.00 feet to appoint, said point being the northeasterly corner of the aforesaid Brown & Root I, Inc., Parcel B, thence;

Following the northerly line of the aforesaid Brown & Root I, Inc., Parcel B the following course:

South 77°12'33" West, plus or minus 1,974.45 feet to a point, thence;

Crossing the lands of the aforesaid Brown & Root I, Inc., Parcel B, the following three (3) courses:

South 31°45'28" East, plus or minus 569.76 feet to a point, thence;

South 50°44'29" West, plus or minus 468.10 feet to a point, thence;

South 32°05'37" West, plus or minus 719.11 feet to a point on the northern line of the 30 foot right-of-way of State Route 642, thence;

Westerly, along the aforesaid 30 foot right-of-way of State Route 642, the following course:

South 78°23'32" West, plus or minus 391.36 feet to a point, said point being the southwestern corner of the aforesaid Brown & Root I, Inc., Parcel B, thence;

Westerly, crossing the 50 foot right-of-way of State Route 642, the following course:

South 78°23'32" West, plus or minus 51.43 feet to a point, thence;

Northeasterly, along the western right-of-way of the aforesaid State Road 642, the following course:

North 25°09'39" West, plus or minus 6.52 feet to the TRUE POINT OF BEGINNING.

Hereinafter the Residential District, South Tract, and containing approximately 1,626.8 acres, more or less.

3. The SC District (Specialty Commercial) – North Tract

BEGINNING from an iron rod set, said point being on the northern line of the Washington Avenue right-of-way and also being the southeast corner of that tract of land described in deed to Municipal Corporation of Cape Charles, Etc., as recorded in the aforesaid County Land Records in Deed Book 214 at Page 7 and Plat Book 13 at Page 21, thence southeasterly along that common line of the aforesaid Washington Avenue right-of-way and that tract of land described in deed to Brown & Root, inc., Parcel A, and recorded in the aforesaid County Land Records in Deed Book 177 at Page 431 the following course:

North 87°17'47" East, 395.29 feet to a point, thence;

Northwesterly, across the aforesaid Brown & Root I, Inc., Parcel A, the following course:

North 02°42'13" West, 517.26 feet to the TRUE POINT OF BEGINNING, thence;

Through the aforesaid Brown & Root I, Inc., Parcel A, the following six (6) courses:

South 87°17'47" West, plus or minus 1,207.48 feet to a point, thence;

North 02°42'13" West, plus or minus 101.34 feet to a point, thence;

North 45°00'00" East, plus or minus 443.21 feet to a point, thence;

South 45°00'00" East, plus or minus 243.48 feet to a point, thence;

North 45°00'00" East, plus or minus 879.67 feet to a point, thence;

North 45°00'00" West, plus or minus 896.96 feet to a point on the mean low water line of the Chesapeake Bay, thence;

Northeasterly and southerly, along said mean low water line and also the mean low water line of Kings Creek, a linear distance of approximately plus or minus 5,725 feet to a point on the aforesaid mean low water line of Kings Creek, thence southwesterly the following two (2) courses:

South 45°00'00" West, plus or minus 652.49 feet, crossing the right-of-way of the aforesaid Fig Street Extended to a point, thence;

South 02°42'13" East, plus or minus 332.92 feet to the TRUE POINT OF BEGINNING.

Hereinafter, the Specialty Commercial District, North Tract, and containing approximately 46.60 acres, more or less.

4. The SC District (Specialty Commercial) – South Tract

BEGINNING at an iron pipe found, said point being the southeastern corner of that parcel of land described in deed to Bayshore Concrete Products, Inc., as recorded in the aforesaid County Land Records in Deed Book 160 at Page 430 and Deed Book 143 at Page 124 and Plat Book 5 at Page 111, also being a northwestern corner of the aforesaid Brown & Root I, Inc., Parcel C, thence, across the lands of the aforesaid Brown & Root I, Inc., Parcel C, the following course:

South 07°35'47" East, 3,496.07 feet to the TRUE POINT OF BEGINNING, thence;

Across the lands of the aforesaid Brown & Root I, Inc., Parcel C, the following seven (7) courses:

North 67°24'53" East, plus or minus 734.28 feet to a point, thence;

South 13°47'57" East, plus or minus 763.32 feet to a point, thence;

North 77°14'13" East, plus or minus 421.60 feet to a point, thence;

South 30°00'21" East, plus or minus 802.20 feet to a point, thence;

South 44°59'14" West, plus or minus 610.14 feet to a point, thence;

North 61°34'04" West, plus or minus 420.62 feet to a point, thence;

South 68°01'47" West, plus or minus 1,152.96 feet to a point on the mean low water of the Chesapeake Bay, thence;

Northwesterly, along the aforesaid mean low water line of the Chesapeake Bay a linear distance of approximately plus or minus 955 feet, thence, across the lands of the aforesaid Brown & Root I, Inc., Parcel C, the following two (2) courses:

North 67°05'52" East, plus or minus 953.71 feet to a point, thence;

North 24°31'55" West, plus or minus 577.01 feet to the TRUE POINT OF BEGINNING.

Hereinafter, the Specialty Commercial District, South Tract containing approximately 53.26 acres, more or less.

5. The C District (Commercial) – North Tract

BEGINNING at an iron rod found, said point being the northwestern corner of that tract of land described in deed to Heritage Acres, Limited, as recorded in the aforesaid County Land Records in Deed Book 214 at Page 248 and Plat Book 13 at Page 24, said point also being a southern corner of that parcel of land of the aforesaid Brown & Root I, Inc., Parcel A, thence along the common line of the aforesaid Heritage Acres and the aforesaid Brown & Root I, Inc., Parcel A tracts, the following course:

South 02°39'43" East, plus or minus 698.83 feet to a point on the north right-of-way of Randolph Avenue and Virginia State Route 184, thence;

Southwesterly, along the common line of the aforesaid Brown & Root I, Inc., Parcel A, and the right-of-way of the aforesaid Randolph Avenue, the following two (2) courses:

Along a curve with a radius of 2,257.00 feet, a length of 73.65 feet, a tangent of 36.83 feet and a delta of 01°52'11" to appoint, thence;

South 87°17'47" West, plus or minus 194.78 feet to a chiseled hole in a concrete sidewalk, said point being the intersection of the rights-of-way of the aforesaid northern line of Randolph Avenue and the eastern line of Fulcher Street, thence;

Northwesterly, along the common line of the aforesaid eastern right-of-way of Fulcher Street and the aforesaid Brown & Root I, Inc., Parcel A, the following course:

North 02°42'13" West, plus or minus 688.70 feet to a point, thence;

Northeasterly, through the aforesaid Brown & Root I, Inc., Parcel A, the following course:

North 84°52'58" West, plus or minus 269.16 feet to the TRUE POINT OF BEGINNING.

Hereinafter, the Commercial District, North Tract, containing approximately 4.28 acres, more or less.

6. The C District (Commercial) – South Tract

BEGINNING at an iron rod set, said point being the northwestern corner of the aforesaid Brown & Root I, Inc., Parcel B, thence southeasterly the following course:

South 25°09'40" East, 448.16 feet to the TRUE POINT OF BEGINNING, thence;

Crossing the lands of the aforesaid Brown & Root I, Inc., Parcel B, the following three (3) courses:

North 74°13'43" East, plus or minus 674.78 feet to a point, thence;

South 62°13'33" East, plus or minus 530.19 feet to a point, thence;

South 32°05'37" West, plus or minus 719.11 feet to a point, said point being on the northern line of the 30 foot right-of-way of State Route 642, thence;

Westerly, along the aforesaid right-of-way of State Route 642, the following course:

South 78°23'32" West, plus or minus 391.36 feet to an iron rod set, said point being the southwestern corner of the aforesaid Brown & Root I, Inc., Parcel B and the point of intersection of the northern line of the 30 foot right-of-way and the eastern line of the 50 foot right-of-way of State Route 642, thence;

Northerly, along the common line of the aforesaid eastern 50 foot right-of-way of State Route 642 and the western boundary of the aforesaid Brown & Root I, Inc., Parcel B, the following course:

North 25°09'40" West, plus or minus 830.41 feet to the TRUE POINT OF BEGINNING.

Hereinafter the Commercial District, South Tract, containing approximately 14.56 acres, more or less.

7. The GBI District (General Business/Industrial)

BEGINNING at an iron rod set, said point being the northwest corner of the aforesaid Brown & Root I, Inc., Parcel B, and also being on the eastern line of the 50 foot right-of-way for Virginia State Route 642, thence easterly along the common line of the northern boundary of the aforesaid Brown & Root I, Inc., Parcel B and the southern boundary of the aforesaid Virginia Port Authority the following course:

North 77°12'33" East, plus or minus 1,406.50 feet to a point, thence;

Crossing the aforesaid Brown & Root I, Inc., Parcel B, the following four (4) courses:

South 31°45'28" East, plus or minus 569.76 feet to a point, thence;

South 50°44'29" West, plus or minus 468.10 feet to a point, thence;

North 62°13'33" West, plus or minus 530.19 feet to a point, thence;

South 74°13'43" West, plus or minus 674.78 feet to a point on the western boundary on the aforesaid Brown & Root I, Inc., Parcel B, thence;

Northwesterly, along the common line of the aforesaid Brown & Root I, Inc., Parcel B and the eastern line of the 50 foot right-of-way of State Route 642 the following course:

North 25°09'40" West, plus or minus 448.16 feet to the TRUE POINT OF BEGINNING.

Hereinafter, the General Business/Industrial District, containing approximately 17.34 acres, more or less.

## **DIVISION 6**

### **ZONING REGULATIONS FOR ACCAWMACKE PLANTATION**

Article 14.2 of the Zoning Ordinance for the Town of Cape Charles authorizes the Town Council and PUD Rezoning Applicant to establish zoning regulations that will apply to the Planned Unit Development (PUD). The regulations established herein will be the zoning regulations applicable to this PUD rather than the existing or subsequently amended Zoning Ordinances for the Town of Cape Charles. Provided however, that any future amendments by the Town to its FEMA Flood Hazard Regulations required as a result of changes to the Federal Flood Insurance Program or to the Town's schedule of fees and charges for zoning permits shall be universally applied throughout the Town and applicable to this PUD.

#### **A. INCORPORATED ARTICLES**

The following Articles of the Zoning Ordinance for the Town of Cape Charles, Virginia as it has been adopted and amended as of November 12, 1992 are hereby incorporated by reference as if fully set out herein: (See Appendix C)

- Article 1 Authority to Zone,
- Article 8 Nonconforming Uses,
- Article 10 Provisions of Appeal,
- Article 11 Violation and Penalty,
- Article 12 Amendments,
- Article 13 Conditional Zoning / Contractual Zoning,
- Article 14 Planned Unit Developments,
- Article 16 Chesapeake Bay Preservation Ordinance.

#### **B. REPEALED ARTICLES**

All articles not listed above are hereby repealed solely for the purposes of their application to this PUD.

#### **C. NEW ARTICLES**

The following Articles are hereby approved and adopted for this PUD:

- Article 2 Definitions
- Article 3 Districts
- Article 4 R District (Residential)
- Article 5 SC District (Specialty Commercial)
- Article 6 C District (Commercial)
- Article 7 GBI District (General Business/Industrial)
- Article 9 General Provisions
- Article 15 Flood Hazard District

## **ARTICLE 2**

### **DEFINITIONS**

For the purpose of this PUD Document, words used in the present tense shall include the future; words used in the singular number include the plural and the plural the singular; the use of any gender shall be applicable to all genders; the work "shall" is mandatory; the word "may" is permissive; the word "land" includes only the area described as being above mean low tide; and the work "person" includes an individual, a partnership, association, or corporation.

In addition, the following terms shall be defined as herein indicated:

**ACCESSORY USES:** Those uses allowable within a designated Zoning District or Land Use Classification only when incidental and subordinate to the permitted or conditional use.

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

**ADMINISTRATOR, THE:** The official charged with the enforcement of the Zoning or Subdivision Ordinance. He or she may be any appointed or elected official who is by formal resolution designated to the position by the Town Council. He or she may serve with or without compensation as determined by Council.

**ADULT CARE:** Provision of health care including retirement homes, congregate living and acute care facilities or mixtures thereof.

**AGENT, THE:** As used in this PUD Document, the same as The Administrator.

**ALTERATION:** any change in the total floor area in excess of 100 S.F., use adaption, or external appearance (other than color) of an existing structure.

**BUFFERYARDS:** An area or areas located within Districts or Land use Classifications which extend along adjacent property lines abutting other Districts or Land Use Classifications.

**BUILDING:** Any enclosed structure having a roof, walls and floors.

**BUILDING, ACCESSORY:** A building housing an accessory use.

**BUILDING, HEIGHT OF:** The vertical distance measured from the average grade of building corners of the structure to the highest point of the roof if a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge or a gable, hop, or gambrel roof.

**BUILDING, MAIN:** The building or one of the buildings housing the principal use on the zoning lot.

**BUILDING PARCEL:** A fraction of a tract containing one or more building lots.

**CHILD DAY CARE:** Any facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during a part of the twenty-four hour day.

**CONDITIONAL USES:** Those uses allowable within a Zoning District or Land Use Classification in accordance with specific provisions, including the requirement of a conditional use permit.

**COMMISSION, THE:** The Planning Commission of the Town of Cape Charles, Virginia.

**DESIGN ENGINEER:** An Engineer employed by the Developer to provide professional services for this Project.

DEVELOPER: The owner or any successor-in-title of all or any part of the Project.

DISTRICT: Districts as defined in Section 15.1-486 of the Code of Virginia 1950, as amended.

DITCH: An open excavation with side slopes as steep as 1.5 horizontal to 1 vertical, to accommodate water movement or drainage.

DOCK OR PIER: A structure extending from land into a water body allowing water access.

DWELLING: Any building which is designed and used for residential purposes, excluding hotels and other transient accommodations.

DWELLING, DUPLEX: A building having two (2) dwelling units side by side.

DWELLING, MULTI-FAMILY: A building or buildings of three (3) or more separate dwelling units, including townhouses and apartments.

DWELLING, PATIO: A single-family dwelling with exterior porches and equal side yard setbacks. *(modified January 14, 2003)*

DWELLING, SINGLE-FAMILY: A building having one (1) dwelling unit.

DWELLING UNIT: A dwelling having one or more rooms, but having no more than two (2) kitchens designed for single family use including domestic employees employed within the dwelling unit.

DWELLING, ZERO LOT LINE: Single family dwelling with one exterior wall on a side property line.

EASEMENT: A grant running with the land by a property owner for the use of land for a specific purpose or purposes.

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

EQUESTRIAN FACILITY: A facility that may include all or some of the following functions and structures: horse training, riding instruction, horse boarding, horse breeding, horse layup and therapy, stables, show ring, event seating, parking, outside riding course, practice ring, schooling ring, riding trails, pastures, paddocks, turnouts, feed and supply storage, trailer parking and storage, tack store and meeting rooms and maintenance equipment storage.

FAMILY: No more than two (20 adults living together as a single housekeeping unit, which may include first lineage relatives of either or both.

FENCE: A structure serving as an enclosure, barrier, or boundary, made of posts, boards, wire, stakes, metal, or masonry materials.

FRONTAGE: The portion of the lot contiguous to the street, public or private.

GARAGE, PRIVATE: Accessory building designed or used for the storage of automobiles, trailerable boats or trucks not exceeding ½ ton owned and used by the occupants of the dwelling to which it is accessory.

GOLF COURSE: A publicly or privately owned course, on which the game of golf is played, which may include related uses such as buildings customary thereto, and driving ranges.

GOVERNING BODY: The Town Council of the Town of Cape Charles, Virginia.

GUEST ROOM: A bedroom for one or more guests paying compensation for temporary lodging.

**HIGHWAY ENGINEER:** The Virginia Department of Transportation resident engineer or his deputy service the Town of Cape Charles.

**HOME OCCUPATION:** An occupation or business practices by an occupant of a dwelling.

**HOTEL:** A building or group of buildings with guest rooms, which guest rooms may have provision for cooking in the room.

**JURISDICTION:** The area or territory subject to the legislative control of the governing body.

**KENNEL:** A place to house, board, breed, handle, or otherwise keep or care for domestic pets.

**LOT:** A parcel of land having frontage upon a street and created by a recorded subdivision plat in conformance with the subdivision ordinance.

**LOT, BUIDABLE AREA:** The area within a lot exclusive of front, rear and side yard setbacks.

**LOT, CORNER:** A lot abutting two (2) or more streets at their intersection. Of the two (2) street sides of a corner lot, the front of the lot shall be deemed to be the shortest of the sides abutting a street.

**LOT, DEPTH OF:** The average horizontal distance between the front and rear lot lines within the buildable area.

**LOT, DOUBLE FRONTAGE:** An interior lot having frontage on two (2) streets. The front of the lot shall be established on the subdivision plat, vehicular access will be restricted to the front of the lot.

**LOT, FLAG:** A lot having the same area as other lots, but with a reduced frontage, with frontage being not less than twenty (2) feet to allow for driveway and utility access.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT SETBACK:** The area within a lot exclusive of the buildable area.

**LOT, WIDTH OF:** The average horizontal distance between side lot lines within the buildable area.

**LOT, ZONING:** Two or more contiguous lots of the same ownership within a single Zoning District, which are used, developed or built upon as a unit.

**NONCONFORMING LOT:** An otherwise lawful platted lot that does not conform to the minimum area or width requirements of this Ordinance for the District in which it is located either at the effective date of this Ordinance or as a result of subsequent amendments to the Ordinance.

**NONCONFORMING STRUCTURE:** An otherwise lawful building or structure that does not conform with the lot area, yard, height, coverage, or other area regulations of this PUD Document, at the effective date of this PUD Document or as a result of subsequent amendments thereto.

**NONCONFORMING USE:** An otherwise lawful use that does not conform to the applicable use regulations of this PUD Document at the effective date of those regulations or as a result of a subsequent amendment thereto.

**OFF-STREET PARKING AREA:** Space provided for vehicular parking outside the street right-of-way.

**OFFICE BUILDING:** A non-residential building in which business, clerical or professional activities are conducted.

**PARK:** A tract of land set aside by the developer for recreation and/or open space.

PERMITTED USES: Those uses allowable by right within a zoning District or Land Use Classification.

PLAT: Includes the terms: map, plan, plot, replat, or replot; a map or plan of a tract or parcel of land which is to be, or which has been subdivided. When used as a verb "Plat" is synonymous with "subdivide."

PROJECT: Accawmacke Plantation, as described in this PUD Document.

PROTECTED TREE: One deemed worthy of preservation by the Developer.

PUD DOCUMENT: This Accawmacke Plantation PUD Document, approved by the Town of Cape Charles and as amended from time to time.

RECREATION FACILITY: A place designed and built to accommodate recreational activities.

RESIDENT COMMUNITY CENTER: A place designed and built to accommodate resident or community assembly needs.

RETAIL STORES AND SHOPS: Any building or part of a building for the display and sale of merchandise or services.

RESTAURANT: Any structure or part of a structure in which food or beverages are dispensed for consumption on the premises.

RESUBDIVIDE: to make any change in any dimension of any lot as shown on a recorded plat except in the case of a plat recorded for the purpose of a security release to a lending agency.

RETENTION AREA: An open area designed for permanent or intermittent holding of water or dredge spoil.

SIGN: any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combination thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the sign is located.

STREET, ALLEY: A minor road used for service access to the back or side of properties otherwise abutting on a street.

STREET, COLLECTOR: Any street to collect and distribute medium volumes of traffic between origin or destination points. Principal entrance and circulator streets of subdivisions are classified as collector streets.

STREET, CUL-DE-SAC: A Street terminated at the end by a vehicular turnaround.

STREET, MINOR: Any street used primarily for access to abutting properties.

STREET, RIGHT-OF-WAY: The total width of the strip of land reserved for vehicular/pedestrian travel, including roadway, curbs, gutters, drainage, sidewalks and planting.

STREET, ROAD: Any roadway, public or private, which affords principal means of vehicular access to abutting property.

STREET, THOROUGHFARE: Any street designed primarily to move large volumes of traffic providing for the movement of through traffic and with access limited to intersecting collector streets.

**STRUCTURE:** Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings, signs.

**STRUCTURE, ACCESSORY:** A structure serving an accessory use.

**SUBDIVIDE:** To divide any tract, parcel or lot of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The term shall not include the recording of a deed of trust to secure a note.

**SUBDIVISION:** Any land, vacant or improved, which is divided into two or more zoning lots.

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

**VARIANCE:** A variance is a relaxation of the terms of the PUD Document where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the PUD Document would result in unnecessary and undue hardship.

**VEHICLE, NONCOMMERCIAL PASSENGER:** All automobiles, passenger vans, trucks up to ½ ton or trailers up to fifteen (15) feet in length.

**VEHICLE, OVERSIZED:** All vehicles other than automobiles, passenger vans, trucks up to ½ ton or trailers up to fifteen (15) feet in length.

**VEHICULAR USE AREA:** Any area used by vehicles including, but not limited to, areas for parking, display, storage or traverse of any and all types of motor vehicles.

**YARD, SETBACK:** the minimum distance from which any structure must be separated from the property line.

**ZONING ORDINANCE:** The zoning regulations applicable to Accawmacke Plantation (Division 6 of the PUD Document).

### **ARTICLE 3**

#### **DISTRICTS**

For the purposes of this PUD Document, Accawmacke Plantation is hereby divided into the following Districts:

- R District       (Residential)
- SC District     (Specialty Commercial)
- C District       (Commercial)
- GBI District    (General Business / Industrial)

## ARTICLE 4

### R DISTRICT (RESIDENTIAL)

**A. Purpose of District.** The purposes of the R District are:

1. To provide for quiet, livable low, medium and high density residential neighborhoods and to encourage the formation and continuation of a stable, healthy residential environment.
2. To discourage unwarranted and blighting encroachments by prohibiting those commercial and industrial uses capable of adversely affecting the residential character of the District.
3. To disallow land uses which would substantially interfere with the development or continuation of residential development.
4. To prohibit uses which would generate traffic on residential streets other than that required and planned to serve residences on those streets.

**B. Permitted Uses.** Within the R District, the following permitted uses shall be allowed:

1. All Permitted Uses specified in the R-1, R-2, R-3 and CO Land Use Classifications but only within each respective Land Use Classification.

**C. Conditional Uses.** Within the R District, the following conditional uses may be allowed:

1. All Conditional Uses specified in the R-1, R-2, R-3 and CO Land Use Classifications but only within each respective Land use Classification.

**D. Accessory Uses.** Within the R District, the following accessory uses shall be allowed:

1. All Accessory Uses specified within the R-1, R-2, R-3 and CO Land Use Classifications but only within each respective Land Use Classification.

**E. Lot, Yard, Height and Coverage Requirements.** Within the R District, the following standards shall apply:

1. All Lot, Yard, Height and Coverage Requirements specified within the R-1, R-2, R-3 and CO Land Use Classifications but only within each respective Land Use Classification.

**F. Land Use Classifications.** Within the R District, the following Land Use Classifications are allowed in accordance with the standards set out therein. Except for the CO Land Use Classification, no Land Use Classification shall be applied to an area of less than 5 acres:

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 Multi-Family Residential
- CO Conservation – Open Space

## ARTICLE 4.1

### R-1 LAND USE CLASSIFICATION (LOW DENSITY RESIDENTIAL)

- A. Purpose.** The purpose of the R-1 Land Use Classification is:
1. To provide for quiet, livable low-density residential neighborhoods on lots having an area of 12,000 square feet or more.
- B. Permitted Uses.** Within the R-1 Land Use Classification, the following permitted uses shall be allowed:
1. Detached single-family dwelling.
  2. Retention areas; streets.
  3. Model dwelling units may be used as a sales office until such time as 90% of the dwelling units have been sold in that subdivided or platted area.
  4. Utility Installations.
- C. Conditional Uses.** Within the R-1 Land Use Classification, the following conditional uses may be allowed:
1. Elementary, middle or high school or institution of higher learning (but not a trade or business school), provided that the lot is at least 5 acres in size and that no structure or parking area is placed within 100 feet of any property line.
  2. Church, synagogue or similar place of worship, provided that the lot is at least 3 acres in size, that no structure or parking area is placed within 100 feet of any property line, and that such use be placed on a lot facing only on a collector street.
  3. Equestrian facilities provided that the lot is at least 10 acres in size and that no structure or parking area shall be located within 100 feet from a property line.
  4. Child Care Facility – conducted in a church, synagogue or similar place of worship or elementary, middle or high school or institution of higher learning.
- D. Accessory Uses.** Within the R-1 Land Use Classification, the following accessory uses shall be allowed:
1. Swimming Pools with or without Pool House.
  2. Tennis Courts.
  3. Private Garages.
  4. Docks or Piers.
  5. Gazebos.
  6. Home Occupations provided:
    - a. There is no signage or visible or audible indications of the business including, but not limited to parking and deliveries.

- b. No one is employed at the dwelling other than members of the family residing in the dwelling and no business invitees are permitted.
- c. Public sale of products, merchandise, or services is prohibited from the dwelling or premises.
- d. No changes are made to the exterior residential structure due to the home occupation activities including, but not limited to, parking and deliveries.

**E. Lot, Yard, Height and Coverage Requirements.** Within the R-1 land Use Classification, the following standards shall apply to each respective lot size:

1. Minimum Lot Requirements.

Lot area (sq. ft.)	12,000-24,999	25,000-39,999	40,000 +
Lot width (feet)	80	100	120
Lot depth (feet)	110	125	140

2. Minimum Yard Requirements.

	12,000-24,999	25,000-39,999	40,000 +
Front yard (feet)	30	40	50
Side yard (feet)	15	20	25
Side yard-corner (feet)	25	30	35
Rear yard (feet)	30	30	30

3. Maximum Building Height.

Vertical measure (feet)	12,000-24,999	25,000-39,999	40,000 +
Vertical measure (feet)	40	40	40

4. Bufferyards. None

5. Building Coverage. No more than 35% of the lot may be covered by principal and accessory buildings.

## ARTICLE 4.2

### R-2 LAND USE CLASSIFICATION (MEDIUM DENSITY RESIDENTIAL)

**A. Purpose.** The purpose of the R-2 Land Use Classification is:

1. To provide for quiet, livable medium-density residential neighborhoods of one and two-family dwellings situated on lots having an area of 6,000 square feet or more.

**B. Permitted Uses.** Within the R-2 Land Use Classification, the following permitted uses shall be allowed:

1. Duplex Dwellings.
2. Single Family and Patio Dwellings.
3. Zero Lot Line Dwellings.
4. Retention Areas; Streets
5. Model dwelling units may be used as a sales office until such time as 90% of the dwelling units have been sold in that subdivided or platted area.
6. Utility Installations.

**C. Conditional Uses.** Within the R-2 Land Use Classification, the following conditional uses may be allowed:

1. Elementary, middle or high school or institution of higher learning (but not a trade or business school), provided that the lot is at least 5 acres in size, and that no structure or parking area is placed within 100 feet of any property line.
2. Church, synagogue or similar place of worship, provided that the lot is at least 3 acres in size, that no structure or parking area is placed within 100 feet of any property line, and that such use be placed on a lot facing only on a collector street.
3. Equestrian facilities provided that the lot is at least 10 acres in size and that no structure or parking area shall be located within 100 feet from a property line.
4. Child Care Facility provided that such is conducted in a church, synagogue or similar place of worship or elementary, middle or high school or institution of higher learning.

**D. Accessory Uses.** Within the R-2 Land Use Classification, the following accessory uses shall be allowed:

1. Swimming Pools with or without Pool House.
2. Tennis Courts.
3. Private Garages.
4. Docks or Piers.
5. Gazebos.

6. Home Occupations provided:

- a. There is no signage or visible or audible indications of the business including, but not limited to parking and deliveries.
- b. No one is employed at the dwelling other than members of the family residing in the dwelling and no business invitees are permitted.
- c. Public sale of products, merchandise, or services is prohibited from the dwelling or premises.
- d. No changes are made to the exterior residential structure due to the home occupation activities including, but not limited to, parking and deliveries.

**E. Lot, Yard, Height and Coverage Requirements.** Within the R-2 Land Use Classification, the following standards shall apply to each category below:

1. Minimum Lot Requirements.

	Single Family Dwelling	Patio Dwelling	Duplex Dwelling	Zero Lot Line Dwelling
Lot area (sq. ft.)	6,000	6,000	10,000	6,000
Lot width (feet)	50	50	60	50
Lot depth (feet)	85	85	85	85

2. Minimum Yard Requirements.

Front yard (feet)	25	25	25	25
Side yard (feet)	5 & 10	5*	10	0 & 10
Side yard-corner (feet)	20	10*	20	0 & 20
Rear yard (feet)	20	20	20	20

*\*modified January 14, 2003*

3. Maximum Building Height.

Vertical measure (feet)	40	40	40	40
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4. Bufferyards. Where R-2 Land Use Classifications adjoin R-1 Land Use Classifications within the PUD, bufferyards are required as follows:

- a. When a zoning lot within an R-2 Land Use Classification adjoins an R-1 Land Use Classification, the following shall be required along all lot lines within the R-2 Land Use Classification adjoining the R-1 Land Use Classification:
  - i) A 50 foot separation of road right-of-way, golf, lake, drainage easement, or natural feature; or
  - ii) A 50 foot bufferyard exclusive of any other yard requirements, landscaped by a Category I landscape screening in accordance with Appendix A.

5. Building Coverage. No more than 50% of the lot may be covered by the principal and accessory buildings.

6. Dwelling Size. Each single-family dwelling and single-family patio dwelling shall have a minimum habitable area of 1,000 square feet. Each duplex shall have a minimum habitable area of 850 square feet.

## ARTICLE 4.3

### R-3 LAND USE CLASSIFICATION (MULTI-FAMILY RESIDENTIAL)

**A. Purpose.** The purpose of the R-3 Land Use Classification is:

1. To provide for quality medium and high-density residential development and to provide for single-family and duplex dwellings situated on lots having an area of 5,600 square feet or more.

**B. Permitted Uses.** Within the R-3 Land Use Classification, the following permitted uses shall be allowed:

1. Townhouse dwellings.
2. Multi-family dwellings.
3. Model dwelling units may be used as a sales office until such time as 90% of the dwelling units have been sold in that subdivided or platted area.
4. Duplex dwellings.
5. Single-family and Patio dwellings.
6. Zero Lot Line dwellings.
7. Retention areas; streets.
8. Utility Installations.

**C. Conditional Uses.** Within the R-3 Land Use Classification, the following conditional uses may be allowed:

1. Elementary, middle or high school or institution of higher learning (but not a trade or business school), provided that the lot is at least 5 acres in size, and that no structure or parking area is placed within 100 feet of any property line.
2. Church, synagogue or similar place of worship, provided that the lot is at least 3 acres in size, that no structure or parking area is placed within 100 feet of any property line, and that such use be placed on a lot facing only on a collector street (see Table IV) and accessory uses are limited.
3. Equestrian facilities provided that the lot is at least 10 acres in size and that no structure or parking area shall be located within 100 feet from a property line.
4. Child Care Facility provided that such use is conducted in a church, synagogue or similar place of worship or elementary, middle or high school or institution of higher learning.

**D. Accessory Uses.** Within the R-3 Land Use Classification, the following accessory uses shall be allowed:

1. Swimming Pools with or without Pool House.
2. Private Garages.
3. Tennis Courts.
4. Parking.

5. Docks or Piers.
6. Recreation Facilities.
7. Gazebos.
8. Residents Community Center.
9. Home Occupations Provided:
  - a. There is no signage or visible or audible indications of the business including, but not limited to parking and deliveries.
  - b. No one is employed at the dwelling other than members of the family residing the dwelling and no business invitees are permitted.
  - c. Public sale of products, merchandise, or services is prohibited from the dwelling or premises.
  - d. No changes are made to the exterior residential structure due to the home occupation activities including, but not limited to, parking and deliveries.

**E. Lot, Yard, Height, Coverage and Density Requirements.** Within the R-3 Residential Land Use Classification, the following standards shall apply:

1. In addition to the following, TOWNHOUSE projects must have a minimum of 3 acres:

- a. Minimum Lot Requirements.

Lot area per dwelling unit (sq. ft.)	1,500
Lot width (feet)	20

- b. Minimum Yard Requirements.

Front yard (no parking in front yard) (feet)	25
Front yard (parking in front yard) (feet)	25
Side yard between principal structures (feet)	20
Side yard between end structure and side property line (feet)	10
Rear yard (no parking in rear yard) (feet)	15
Rear yard (parking in rear yard) (feet)	15

- c. Maximum Building Height (feet)

40

- d. Building Coverage. No more than 50% of the lot may be covered by the structures.

- e. Dwelling Size. Each dwelling shall have a minimum habitable area of 1,000 square feet.

- f. Maximum Development. No more than 8 townhouse dwelling units shall be constructed or attached together in a continuous row, and no such row shall exceed 240 feet in length.

- g. Off-street Parking. Parking shall be provided on the premises. No such parking lot or garage shall be located more than 200 feet from the dwelling which it serves.

2. In addition to the following, MULTI-FAMILY projects must have a minimum of 3 acres:

a. Minimum Lot Requirements.

Lot area per dwelling unit (sq. ft.)	1,500
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b. Minimum Yard Requirements.

Front yard (no parking in front yard) (feet)	30
Front yard (parking in front yard) (feet)	30
Side yard between separate structures (feet)	25
Side yard between end structure and side property line (feet)	35
Rear yard (no parking in rear yard) (feet)	20
Rear yard (parking in rear yard) (feet)	20

Furthermore, no multi-family unit may be erected on a lot which has a width at the building line of less than 100 feet.

3. Lot, Yard, Height, Coverage and Density Requirements for Single Family and Duplex Dwellings. Within the R-3 Land Use Classification, the following standards shall apply to each category below:

a. Minimum Lot Requirements.

	Single Family Dwelling	Patio Dwelling	Duplex Dwelling	Zero Lot Line Dwelling
Lot area (sq. ft.)	5,600	5,600	5,600	5,600
Lot width (feet)	50	50	50	50
Lot depth (feet)	85	85	85	85

b. Minimum Yard Requirements.

Front yard (feet)	25	25	25	25
Side yard (feet)	5	5	5	5
Side yard-corner (feet)	10	10	10	10
Rear yard (feet)	20	20	20	20

c. Maximum Building Height.

Vertical measure (feet)	40	40	40	40
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d. Building Coverage. No more than 50% of the lot may be covered by the principal and accessory buildings.

4. Bufferyards. Where R-3 Land Use Classifications adjoin R-1 or R-2 Land Use Classifications within the PUD, bufferyards are required as follows:
  - a. When a zoning lot within an R-3 Land Use Classification adjoins an R-1 or R-2 Land Use Classification, the following shall be required along all lot lines within the R-3 Land Use Classification adjoining the R-1 or R-2 Land use Classification:
    - i. A 50 foot separation of road right-of-way, golf, lake, drainage easement, or natural feature; or
    - ii. A 50 foot bufferyard exclusive of any other yard requirements, landscaped by a Category II landscape screening in accordance with Appendix A.
    - iii. No bufferyard required for Single Family and Duplex Dwelling lots adjoining R-1 or R-2 Land Use Classification.

**F. Additional Development Requirements.**

1. For townhouses and multi-family dwellings, the placement of drives and parking areas, excluding entrance and exits, shall not be located closer than 10 feet from any lot line.
2. For duplex, single-family, patio, and zero lot line dwellings, the placement of drives and parking areas, excluding entrance and exits, may be located within 6 inches of any lot line.

## ARTICLE 4.4

### CO LAND USE CLASSIFICATION (CONSERVATION – OPEN SPACE)

**A. Purpose.** The purposes of the CO Land Use Classification are:

1. To provide opportunities for recreational activities.
2. To provide a network of recreational paths, watercourses, buffer zones and recreational spaces.
3. to preserve natural resources and open space against development.
4. To restrict development in areas designed for Stormwater retention and drainage.
5. To provide for and permit an appropriate valuation by the tax assessor or land appraiser that reflects the conservation or open space use of land.

**B. Permitted Uses.** Within the CO Land Use Classification, the following permitted uses shall be allowed:

1. Non-commercial recreational uses which are primarily open-air.
2. Golf course and tennis associated with a country club.
3. Structures and parking areas associated with permitted recreational uses. Such structures and parking areas shall not be located within 100 feet from a property line, except piers and docks when adjacent to navigable water.
4. Retention areas; streets.
5. Utility Installations.

**C. Conditional Uses.** Within the CO Land Use Classification, the following conditional uses may be allowed:

1. None.

**D. Accessory Uses.** Within the CO Land Use Classification, the following accessory uses shall be allowed:

1. Those uses that are customarily accessory and clearly incidental and subordinate to Golf Courses, Tennis and Country Clubs including but not limited to:
  - a. Clubhouse Facilities and Golf Halfway Houses
  - b. Swimming Pools
  - c. Tennis Courts
  - d. Driving Range
  - e. Golf Cart Storage and Golf Maintenance Facilities
  - f. Parking

**E. Lot, Yard, Height and Density Requirements.** Within the CO Land Use Classification, the following standards shall apply:

1. None

## ARTICLE 5

### SC DISTRICT (SPECIALTY COMMERCIAL)

**A. Purpose of District.** The purposes of the SC District are:

1. To accommodate an integrated mixture of specialty retail and land uses associated with hotels, inns, bed and breakfasts, conference centers, health and tennis clubs, or marina uses in addition to other golf course and club facilities.
2. To serve as a core area of commercial activity and provide an additional recreation amenity to the golf course and club facilities.

**B. Permitted Uses.** Within the SC District, the following permitted uses shall be allowed:

1. Antique shops, art studios, galleries, supply shops, auditoriums, athletic clubs;
2. Bakery shops, bait and tackle shops, banks and financial institutions, barber and beauty shops, bath supply stores, beach club, bed and breakfast, business and professional office, blue print shops, bicycle rental, sale and services, book stores, boat rental, water-skiing and boat sales;
3. Car rental, café, camera shop, child day care center, churches and other places of worship, clothing stores, confectionery and candy stores, commercial schools, conference centers, community center, civic and cultural facilities;
4. Delicatessen, drug stores, dry cleaning shops (collecting and delivery only), dry goods stores;
5. Equestrian trails and facilities;
6. fish market, florist shops, food markets, grocery stores and supermarkets (not to exceed 5,000 gross square feet), furniture stores, furrier shops;
7. Gift shops, gourmet shops;
8. Hardware stores, health food stores, hobby supply stores, hotels and inns, health clubs and spas, harbor master office;
9. Ice cream stores, interior decorating showrooms, indoor recreational uses;
10. Jewelry stores;
11. Leather goods, luggage stores, locksmiths, liquor stores;
12. Marinas, including but not limited to: commercial fishing facilities, dock facilities, landside facilities, fuel storage and dispensing, boat ramps, dry stack storage, boat repair facilities, boat storage yard, millinery shops, music stores, meeting rooms, movie and stage theaters, museums, malls – indoor and outdoor;
13. Nightclubs, newsstands;
14. Office (retail or professional), office supply stores, outdoor recreational uses;
15. Paint and wallpaper stores, public or private parks provided that no structure shall be located less than 100 feet from any property line and all lighting shall be designed so as to illuminate the desired area only without being offensive to other areas or adjacent properties, pet shops, pet supply stores, post offices, parking garages and lots, pottery stores, private clubs, public libraries;

16. Radio and television sales and services, real estate sales, racquet courts and clubs, recreational uses, retail, restaurants – indoor and outdoor (excluding drive-through), retention areas, rental stores;
17. Shoe sales and repairs, souvenir stores, stationery stores, stables, streets;
18. Tailor shops, tobacco shops, toy shops, tennis courts and clubs;
19. utility installations, veterinarian offices and clinics (no outside kennels), video stores;
20. Watch and precision instrument sale and repair;
21. Any other commercial or professional use which is comparable in nature with the foregoing uses and which the Administrator determines to be compatible with the intent of this District.

**C. Conditional Uses.** Within the SC District, the following conditional uses may be allowed:

1. None.

**D. Accessory Uses.** Within the SC District, the following accessory uses shall be allowed:

1. Only those uses that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.
2. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and open air food markets.
3. Combination residential structure of not more than 3 stories with any use herein permitted, provided that:
  - a. No dwelling unit is located on the street level, common area or any level which has commercial uses; and
  - b. All dwelling units have direct access to the street.

**E. Lot, Yard, Height and Coverage Requirements.** Within the SC District, the following standards shall apply:

1. Minimum Lot Requirements.

Area (sq. ft.)	None
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2. Minimum Yard Requirements.

Front yard (feet)	10
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Side yard between buildings (feet)	None or 5 feet
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Side yard adjacent to street (feet)	10
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Rear yard (feet)	25
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3. Maximum Building Height. ***[Amended January 6, 2005]***

Buildings (feet)	65
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4. Minimum Floor Area of Principal Structures. Four hundred (400) square feet on the ground floor per building.
5. Bufferyards. Where SC Districts adjoin R-1, R-2 or R-3 Land Use Classifications within the PUD, bufferyards are required as follows:
  - a. When a zoning lot within an SC District adjoins R-1, R-2 or R-3 land use Classifications, the following shall be required along all lot lines within the SC District adjoining the R-1, R-2 or R-3 Land Use Classifications:
    - i. A 50 foot separation of road right-of-way, golf, lake, drainage easement, or natural feature; or
    - ii. A 50 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.
  - b. Notwithstanding the above, bufferyards are not required for marine uses that consist of piers, docks, boat slips or parking and access ways which are in or immediately adjacent to the water.

**F. Additional Development Requirements.**

1. Placement of Drives and Parking Areas. Excluding entrances and exits, no drive or parking area shall be located closer than ten feet from any lot line.

## ARTICLE 6

### C DISTRICT (COMMERCIAL)

**A. Purpose of District.** The purposes of the C District are:

1. To accommodate a broad range of retail, commercial and professional land uses.
2. To attract users from both the project and general population.
3. To provide areas for commercial uses which appeal to a broad range of potential consumers.

**B. Permitted Uses.** Within the C District, the following permitted uses shall be allowed:

1. Adult care, antique shops, appliance stores, art galleries, art studios, art supply shops, athletic club, auction houses, auditoriums, automobile, light truck, boat dealerships and other retail sales of equipment and machinery in open yards provided the lot is properly surfaced, buffered, landscaped and drained, automobile parts stores, automobile service stations (with or without convenience stores), provided that:
  - a. Operations involving major repairs, body and fender work, painting or the sale or rental of new or used cars, trucks or boats are not conducted on the premises: and
  - b. All fuel pumps are set back at least fifty (50) feet from any lot line;
2. Bakery shops, bait and tackle shops, banks and financial institutions, barber and beauty shops, bath supply stores, bicycle sales, services and repair, blueprint shops, book stores, broadcasting studios, commercial radio and television, business machine services, business and professional offices, building maintenance service, building supplies;
3. Car wash, carpet and floor covering sales, child day care center, churches and other similar places of worship, clothing stores, commercial recreational uses (indoor or outdoor), community centers, conference centers, commercial schools, confectionery and candy stores, civic and cultural facilities, cabinet shops, communication services;
4. Delicatessens, department stores, drug stores, dry cleaning shops, dry goods stores, and drapery shops;
5. Electrical supply stores, equipment rental stores, employment agencies, equestrian facilities;
6. Fish market, florist shops, food markets, fraternal and social clubs, funeral homes, furniture stores, furrier shops, feed and grain sales, furniture refinishing;
7. Garden supply stores and nurseries, gift shops, glass and mirror sales, gourmet shops;
8. Hardware stores, health food stores, hotels and inns, hobby supply stores;
9. Ice cream stores, interior decorating showrooms;
10. Jewelry stores;
11. Kennels – completely within building;
12. Laundries, leather goods, luggage stores, liquor stores, locksmiths, linen supply shops;

13. Medical, dental or chiropractor office, clinic or laboratory, millinery shops, museums, music stores, motorcycle sales, services and repair;
14. News stores, nutrition centers;
15. Offices, office supply stores;
16. Paint and wallpaper stores, parks (no structure shall be located less than 100 feet from any property line and all lighting shall be designed so as to illuminate the desired area only without being offensive to other areas or adjacent properties), pet shops, photographic equipment and service stores, pottery stores, printing, private clubs, professional offices, parking garages and lots, pest control service, plumbing supplies;
17. Radio and television sales and services, real estate sales, restaurants – including drive-in or fast food restaurants, rental stores, retail stores, retention areas;
18. Shoe repair, shoe stores, shopping centers, shopping malls, souvenir stores, stationery stores, streets, supermarkets, shopping malls, sales offices, second hand stores;
19. Tailor shops, theaters, tobacco shops, toy shops;
20. Upholstery shops, utility installations;
21. Variety stores, vehicle rental, veterinarian offices and clinics – no outside kennels, video stores;
22. Watch and precision instrument repair shops;
23. Any other commercial or professional use which is comparable in nature with the foregoing uses and which the Administrator determines to be compatible with the intent of this District.

**C. Conditional Uses.** Within the C District, the following conditional uses may be allowed:

1. None.

**D. Accessory Uses.** Within the C District, the following accessory uses shall be allowed:

1. Only those uses that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.
2. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.

**E. Lot, Yard, Height and Coverage Requirements.** Within the C District, the following standards shall apply:

1. Minimum Lot Requirements.

Area (feet)	None
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2. Minimum Yard Requirements.

Front yard (feet)	50
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Side yard (feet)	25
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Rear yard (feet)	25
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3. Maximum Building Height.
 

Buildings (feet)	35
Structures (feet)	40
4. Minimum Floor Area of Principal Structures. 1,000 square feet on the ground floor per building.
5. Minimum Distance Between Principal Structures (feet). 25
6. Bufferyards. Where C Districts adjoin R-1, R-2, R-3 or CO Land use Classifications or SC Districts within the PUD, bufferyards are required as follows:
  - a. When a zoning lot within C District adjoins an R-1 or R-2 Land Use Classification, the following shall be required along all lot lines within the C District adjoining the R-1 or R-2 Land use Classification:
    - i. A 200 foot separation of road right-of-way, golf, lake, drainage easement or natural feature; or
    - ii. A 200 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.
  - b. When a zoning lot within a C District adjoins an R-3 or CO Land Use Classification, the following shall be required along all lot lines within the C District adjoining the R-3 or CO Land Use Classification:
    - i. A 100 foot separation of road right-of-way, lake, drainage easement or natural feature; or
    - ii. A 100 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.
  - c. When a zoning lot within a C District adjoins an SC District, the following shall be required along all lot lines within the C District adjoining the SC District:
    - i. A 50 foot separation of road right-of-way, golf, lake, drainage easement or natural feature; or
    - ii. A 50 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.

**F. Additional Development Requirements.**

1. Placement of Drives and Parking Areas. Excluding entrances and exits, no drive or parking area shall be located closer than 10 feet from any lot line.
2. Placement of Drives and Parking Areas When Adjacent to a Public Right-of-Way. Excluding entrances and exits, no drive or parking area shall be located closer than 20 feet from any public right-of-way line for a contiguous public street. Category I Landscaping on a gradual berm shall be installed within a portion of this buffer area unless to do so would jeopardize existing natural vegetation within the buffer area.

**ARTICLE 7**

**GBI DISTRICT (GENERAL BUSINESS / INDUSTRIAL)**

**A. Purpose of District.** The purposes of the GBI District are:

1. To accommodate and develop a district for business, office, light industrial and specified public purposes.
2. To encourage the formation and continuance of a quiet, compatible and uncongested environment for business and professional firms.
3. To discourage any uses capable of adversely affecting the specialized commercial and housing character of the project.

**B. Permitted Uses.** Within the GBI District, the following permitted uses shall be allowed; however, all outdoor storage shall be screened from view from adjacent streets and property lines:

1. All permitted uses allowed in the C District;
2. Assembly, processing and bottling provided that there shall be no outdoor storage of equipment or materials;
3. Fire, police, emergency medical services facilities;
4. Shipping and warehousing, storage;
5. Utility installations, warehousing.

**C. Conditional Uses.** Within the GBI District, the following conditional uses may be allowed:

1. None.

**D. Accessory Uses.** Within the GBI District, the following accessory uses shall be allowed:

1. Only those uses that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.
2. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.

**E. Lot, Yard, Height and Density Requirements.** Within the GBI District, the following standards shall apply:

1. Minimum Lot Requirements.

Area (feet)	None
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2. Minimum Yard Requirements.

Front yard (feet)	75
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Side yard (feet)	50
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Rear yard (feet)	50
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3. Maximum Building Height.

Buildings (feet)	40
Structures (feet)	40

4. Bufferyards. Where GBI Districts adjoin R-1, R-2, R-3 or CO Land Use Classifications or SC or C Districts within the PUD, bufferyards are required as follows:

- a. When a zoning lot within a GBI District adjoins an R-1, R-2 or R-3 Land Use Classification, the following shall be required along all lot lines within the GBI District adjoining the R-1, R-2 or R-3 Land Use Classification:
  - i. A 200 foot separation of road right-of-way, golf, lake, drainage easement or natural feature; or
  - ii. A 200 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.
- b. When a zoning lot within a GBI District adjoins a CO Land Use Classification, or an SC District, the following shall be required along all lot lines within the GBI District adjoining the CO Land Use Classification or SC District:
  - i. A 100 foot separation of road right-of-way, golf, lake, drainage easement or natural feature; or
  - ii. A 100 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.
- c. When a zoning lot within a GBI District adjoins a C District, the following shall be required along all lot lines within the GBI District adjoining the C District:
  - i. A 50 foot separation of road right-of-way, golf, lake, drainage easement or natural feature; or
  - ii. A 50 foot bufferyard exclusive of any other yard requirements, landscaped by a Category III landscape screening in accordance with Appendix A.

**F. Additional Development Requirements.**

- 1. Placement of Drives and Parking Areas. Excluding entrances and exits, no drive or parking area shall be located closer than 10 feet from any lot line.
- 2. Placement of Drives and Parking Areas When Adjacent to a Public Right-of-Way. Excluding entrances and exits, no drive or parking area shall be located closer than 20 feet from any public right-of-way line for a contiguous public street. Category I Landscaping on a gradual berm shall be installed within a portion of this buffer area unless to do so would jeopardize existing natural vegetation within the buffer area.

**PORT OF CAPE CHARLES  
SUSTAINABLE TECHNOLOGIES ECO-INDUSTRIAL PARK**

**ADOPTED ZONING DISTRICT DESIGNATION  
AS AN AMENDMENT OF THE ACCAWMACKE PLANTATION P.U.D.  
ADOPTED JANUARY 9, 1996  
AMENDED JULY 15, 1997**

**ARTICLE 7.1**

**PD-STIP DISTRICT (PLANNED DEVELOPMENT SUSTAINABLE  
TECHNOLOGIES ECO-INDUSTRIAL PARK)**

**A. Purpose of the District.** The PD-STIP District is a planned mixed industrial and employment park with a comprehensive development plan. The purpose of the district is to:

1. Encourage the revitalization of the local industrial economy and historic port of Cape Charles and Northampton County.
2. Create family-wage employment and training opportunities for local residents.
3. Serve as a model and national prototype of an integrated approach to land development and industrial operations, embodying sustainable approaches to the local economy, environment and culture.
4. Serve as a model for advancing the traditional settlement patterns of the Eastern Shore's towns and employment centers.
5. Incorporate comprehensive, cost-effective approaches to resource conservation, wise use of renewable resources and ecologically-based industrial development in all aspects of design and development of the project.

**B. Permitted Uses.** Within the PD-STIP District, the following permitted uses shall be allowed:

1. Adult and/or child day care center;
2. Agriculture (excluding livestock), horticulture, forestry and/or fishery/aquaculture;
3. Art gallery;
4. Conference center'
5. Communication and telecommunication centers;
6. Commuter parking lot;
7. Fire, police, rescue stations;
8. Library or other Municipal building
9. Medical care facility, outpatient only
10. Museum, cultural center, arboretum;
11. Offices – administrative, business, professional and telecommunication;
12. Park, plaza or natural area;

13. Printing service;
14. Post office (drop off and pick up), mail courier and parcel services.

**C. Conditional Uses.** Within the PD-STIP District, the following conditional uses may be allowed, subject to the issuance of a Conditional Use Permit.

1. Educational institution;
2. Food production, packaging, packing and canning;
3. Hotel serving as an ancillary and interrelated component of the park;
4. Manufacture, processing, fabrication and/or assembly of products such as, but not limited to: scientific and precision instruments, renewable energy technology components, photographic equipment, communication equipment, aircraft or satellite parts, computation equipment, drugs, medicines, medical equipment, pharmaceuticals, household items, glass products, electric lighting and wiring equipment, service industry machines, industrial controls, optical goods and electrical equipment;
5. Outdoor storage provided it shall be surrounded by landscaping sufficient to screen storage area, in accordance with Appendix A, applicable category.
6. Parking structure;
7. Performing arts center;
8. Public utility service center, without outdoor storage;
9. Rail and/or intermodal terminals, including transfer, storage, handling, inspection, processing and/or transport of containerized bulk and/or other cargo;
10. Recording studio;
11. Recreational facilities;
12. Recycling drop-off collection center service the Park;
13. Research, experimental testing or development activities;
14. Restaurant, indoor and outdoor (excluding drive-through);
15. Structures, other than buildings, exceeding 50 feet;
16. Telecommunication, television or radio microwave dishes or antennas;
17. Training center (excluding rehabilitation and institutional facilities);
18. Utility generating plant and transmission facility using renewable energy sources;
19. Utility installations;
20. Utility substations provided storage or maintenance facilities shall not be permitted and provided further that utilities substations, other than transformers, shall be landscaped in accordance with Appendix A, applicable category sufficient to screen area;

- 21. Warehousing facility;
- 22. Water storage tank;
- 23. Wholesale trade establishment.

**D. Accessory Uses.** Within PD-STIP District, the following accessory uses shall be allowed:

- 1. Only those that are customarily accessory and clearly incidental and subordinate to the principal uses and structures.
- 2. Temporary licensed uses such as festivals, displays, educational exhibits, outdoor gatherings or performances and outdoor food markets.

**E. Lot, Yard, Height and Density Requirements.** Within the PD-STIP District, the following standards shall apply:

1. Minimum Lot Requirements.

Lot Area (square feet)	15,000
Lot Width (feet)	100

2. Yard Requirements.

Minimum Front Yard (feet)	10
Maximum Front Yard (feet)	25
Minimum Side Yard between buildings (feet)	None or 5
Maximum Side Yard adjacent to street (feet)	10
Minimum Rear Yard (feet)	20

3. Maximum Building Height.

Buildings (feet)	40
Structures other than buildings	50

4. Building Coverage. No more than 50% of the land area of the lot may be covered by structures.

5. Bufferyards. Where the PD-STIP District adjoins any R (Residential) zoning districts within the PUD or CO Land Use Classifications or SC or C Districts within the PUD, bufferyards are required as follows:

- a. When a zoning lot with the PD-STIP District adjoins any R zoning district within the PUD, the following shall be required along all lot lines within the PD-STIP District adjoining the R zoning district within the PUD:
  - i. A 200 foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.

- ii. No loading facilities, loading docks or loading bays shall be permitted within 200 feet of any zoning district or zoning classification within the PUD that permits residential as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where residential use is allowed.
  - iii. Any bufferyard, exclusive of any other yard requirements, shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 100 feet wide and run continuously for the length of the buffer.
- b. When a zoning lot with the PD-STIP District adjoins a CO Land Use Classification or an SC District, the following shall be required along all lot lines with the PD-STIP District adjoining the CO Land Use Classification or SC District:
- i. A 100 foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
  - ii. No loading facilities, loading docks or loading bays shall be permitted within 100 feet of any zoning district or zoning classification within the PUD that permits CO Land Use Classification or a SC District as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where CO Land Use Classification or an SC District is allowed.
  - iii. Any bufferyard, exclusive of any other yard requirements, shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.
- c. When a zoning lot within the PD-STIP District adjoins a C District, the following shall be required along all lot lines within the PD-STIP District adjoining the C District:
- i. A 50 foot natural buffer over and above any landscape requests otherwise required by the Town's zoning or site plan ordinances. A preservation easement shall be required prior to site plan approval and no clearing or disturbance of trees or undergrowth shall be allowed within the buffer area.
  - ii. No loading facilities, loading docks or loading bays shall be permitted within 75 feet of any zoning district or zoning classification within the PUD that permits Commercial as an allowed use and no such facilities shall be located in the side of any portion of a building or structure that is adjacent to the portions of the PUD where Commercial use is allowed.
  - iii. Any bufferyard, exclusive of any other yard requirements, shall be landscaped with Category III landscape screening as set forth in Appendix A, except that the width of the landscaped area shall be at least 50 feet wide and run continuously for the length of the buffer.

**F. Additional Development Requirements.**

1. Placement of Drives and Parking Areas. Excluding entrances and exits, no drive or parking area shall be located within any front yard or minimum side or rear yards.
2. Placement of Drives and Parking Areas When Adjacent to Public Right-of-Way. Excluding entrances and exits, no drive or parking area shall be located closer than 20 feet from any public right-of-way line for a contiguous public street. Landscaping, hedges or fast growing shrubs on a

gradual berm shall be installed within a portion of this buffer area unless to do so will jeopardize existing natural vegetation within the buffer area. See Appendix A, Category I for requirements.

3. All parking must comply with Appendix B – Off Street Parking and Loading Requirements.
4. Parking is not permitted in the front yard of a lot.
5. No parking or drive isles shall be located within the required buffer yards.
6. No outside storage of parts, materials, fossil fuels, raw materials or petroleum shall be permitted within the PD-STIP District.
7. No outside manufacturing, assembly or servicing of products used on the property or of trucks or automobiles used in conjunction with or for the transport of materials to the district shall be allowed.
8. Any exterior lighting on the property shall be directed down and away from any area zoned R (residential) or PUD where residential development is a permitted use, to prevent the disbursement or bleeding of light beyond the limits of the developed portions of the property.
9. No outside loudspeakers, intercoms, sirens, paging systems, whistles, horns, bells or other devices or signals audible outside any buildings shall be allowed on the property.
10. No dust, smoke or noxious odors shall be released from any structure, building or equipment used on the property.
11. No delivery or transmission of materials or products shall be permitted to or from the property by truck or rail between 11:00 p.m. and 5:00 a.m. Monday through Sunday.

**ARTICLE 8**

**VILLAGE DISTRICT**

**A. Purpose.** The purpose of the Village Land Use Classification is to allow for a mix of compatible uses, architecture and landscape in a village setting which promotes a sustainable neighborhood.

**B. Permitted Uses.** Within the Village Land Use Classification, the following permitted uses shall be allowed:

1. All uses allowed in R-1, R-2, R-3 and SC.
2. Any other residential or special commercial use which is compatible in nature with allowed uses and which the Zoning Administrator determines to be compatible with the intent and purpose of the district.

**C. Conditional Uses.** Within the Village Land Use Classification, the following conditional uses shall be allowed:

1. All uses allowed in R-1, R-2, R-3 and SC.
2. Any other residential or special commercial use which is compatible in nature with allowed uses and which the Zoning Administrator determines to be compatible with the intent and purpose of the district.

**D. Accessory Uses.** Within the Village Land Use Classification, the following accessory uses shall be allowed:

1. All uses allowed in R-1, R-2, R-3 and SC.
2. Any other residential or special commercial use which is compatible in nature with allowed uses and which the Zoning Administrator determines to be compatible with the intent and purpose of the district.

**E. Lot, Yard, Height and Coverage Requirements for Village Dwellings.** Within the Village Land Use Classification, the following standards shall apply to each category:

1. Minimum Lot Requirements.

	Single Family	Multi-family	Mixed Use
Lot area (sq. ft.)	1,500	1,000	1,000
Lot width (feet)	30	20*	20
Lot depth (feet)	50	50*	50

\* Applies to Townhomes only

2. Minimum Yard Requirements.

	Single Family	Multi-Family	Mixed Use
Front yard (feet)	5	10	0
Side yard between principal structures (feet)	5	30 / 20*	None / 5
Side yard between end structures and side	N/A	30 / 10*	N/A

property line (feet)

	Single Family	Multi-Family	Mixed Use
Side yard between buildings (feet)	N/A	N/A	None / 5
Side yard adjacent to street (feet)	N/A	N/A	0
Rear yard (feet)	5	N/A	None / 5
Rear yard without parking (feet)	N/A	15	N/A
Rear yard with parking (feet)	N/A	30	N/A

\* Applies to Townhomes only

- Maximum Building Height. There is a limit of 4 habitable floors for all buildings within the Village District. Habitable space will also be allowed within the roof structure.

	Single Family	Multi-family	Mixed Use
Without 1 <sup>st</sup> floor parking	50	55	55
With 1 <sup>st</sup> floor parking	(*)	65	65
With viewing Structure	55	70	70

(\*) 1<sup>st</sup> floor parking level will be parking only with no commercial or residential units.

- Bufferyards. Bufferyards shall not be required in the Village Land Use Classification.
- Building Coverage. No more than 70% of the lot may be covered by the principal and accessory building.
- Front yard parking. There will be no difference between the setback for front-loaded or alley-loaded lots.
- Fences. Fences must be of picket or modified picket design, with pickets averaging 3 feet (36 inches) above grade and posts 3 feet 4 inches (40 inches) above grade when they are on:

- The front property line.
- The side property line if it faces a street.

Picket fences may have a top rail but it is subject to the same height restrictions. Fences behind homes must also be located on the property line. They may be as high as 6 feet. They must be neighbor-friendly (well designed on both sides).

Fences must be made of wood. All fences must be painted white.

- Viewing Structures. Viewing structures are permitted. They are open towers with a roof, enclosed towers or open porches attached to a structure and elevated above the peak of the roof. They may be climate controlled, but may not have plumbing, except as part of a service bar. If an enclosed tower, they may be no more than 10% of the area of the roof.
- Mixed Use. Mixed use structures consist of a mix of office, commercial and residential uses. Residential may be on the first level but will primarily be on the upper floors.

10. Entrances. Entrances to residences in mixed use buildings will be separate from entrances to commercial areas, each having an access to street level.
11. Alleys, Alley access will be required for single family homes that are 50 feet in width or less at their front setback, or that backs up to Commercial Land Use, with the following exceptions:
  - a. Lots that have golf, a lake or any type of park, open space or different land use behind or on either side of the home.
  - b. Lots in blocks that are less than 250 feet in width measured from the center line of the road on one side to the center line of the street on the opposite side.
  - c. Single family homes that are clustered around a mews or other open space.

## **ARTICLE 9**

### **GENERAL PROVISIONS**

The following provisions set forth requirements and procedures applicable to all Districts and Land Use Classifications within this PUD.

#### **SECTION 9.1 – ADMINISTRATION**

- A. The Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce this ordinance, including the ordering in writing of the remedying of any condition found in violation of these zoning regulations ("regulations") and the bringing of legal action to ensure compliance with these regulations, including injunction, abatement or other appropriate action or proceeding authorized by this ordinance or the laws of this state.
- B. The Administrator shall be responsible for determining whether applications for building permits as required by the building code are in accord with the requirements of these regulations, and no building permit shall be issued without certification that plans conform to these regulations.
- C. No permit for excavation or constructions shall be issued before the Administrator certified that the plans, specifications and intended use conform to the provisions of these regulations.
- D. No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting use, extent and location shall have been issued to the owner by the Administrator.
- E. Such certificate shall show that the structure or use or both, or the affected parts thereof, are in conformity with the provisions of these regulations, and the Administrator shall issue such certificate if he finds that all of the requirements of these regulations have been met, and shall withhold such certificate unless all requirements of these regulations have been met.
- F. A temporary certificate of occupancy may be issued by the Administrator for a period not exceeding 12 months, for use of a dwelling unit as a model or sales office. The Administrator may reissue a temporary certificate or occupancy for additional periods not exceeding 12 months.
- G. The Administrator shall maintain records of all official actions of his office.

## **SECTION 9.2**

### **ESTABLISHMENT OF LAND USE CLASSIFICATIONS**

- A. Within the R District (Residential), the allowed Land Use Classification for the portion of the property scheduled for imminent development shall be specified by the Developer at the time of the submittal of the resubdivision plat for that portion of the property.
- B. Changes to the Land Use Classification following approval of the subdivision plat, but prior to recordation of the above referenced plat, shall be allowed, but shall void the approved subdivision plat for which the change is proposed.
- C. Upon the recordation of a subdivision plat, the Land Use Classification shall be deemed established and any change thereafter from the established Land Use Classification shall require the Developer to submit an application to the town for an amendment to the PUD.
- D. No Land Use Classification or District may be located adjacent to any different Land Use Classification or District unless the bufferyard requirements set out within this PUD have been satisfied. If a Land Use Classification or District is located adjacent to an area that has not yet been subdivided or for which no Land Use Classification has been established, it shall be presumed for the purposes of the bufferyard requirements, that the adjacent area around the proposed Land Use Classification shall all be designated and developed as R-1.
- F. Any proposed change to the regulations established within the Districts or Land Use Classifications authorized by the PUD shall require the Developer to submit an application to the Town for an amendment to the PUD.

## **SECTION 9.3**

### **ALLOWED USES**

- A. No building, structure, or land shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarges, moved, or structurally altered unless in conformity with all the regulations herein specified for the District or Land Use Classification in which it is located. However, nothing contained herein shall preclude the continuation of any of the existing uses and buildings on the Property as of the date of enactment of this PUD, or any amendment thereto.
- B. No uses shall be allowed in Resource Protection Areas (RPAs) except as may be permitted by the applicable provisions of the Chesapeake Bay Preservation Ordinance (Division 6, Article 16, Appendix D of this PUD).
- C. Proposed changes to the uses allowed within any of the Districts or Land Use Classifications shall require the Developer to submit an application to the Town for an amendment to the PUD.
- D. No more than 3,000 residential dwelling units shall be constructed within Accawmacke Plantation. Any single type of residential dwelling unit authorized in the R-1, R-2 or R-3 Land Use Classification or in the SC District may be constructed up to 3,000 units, however, in no event shall the total residential dwelling units within Accawmacke Plantation exceed 3,000 units.

## **SECTION 9.4**

### **STRUCTURE AND HEIGHT REQUIREMENTS**

- A. Every residential building hereinafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one main building on a lot used for dwelling purposes except as otherwise provide for within the R-3 Land Use Classification.
- B. The height limitations specified in the Zonign Districts and the Land Use Classifications allowed herein shall not apply to church spires, steeples, water tanks, lighthouses or signature structures designated as such by the Developer. Provided, however, ho more than one signature structure shall be allowed to exceed the height limitations within:
  - i. The portion of the PUD north of Highway 184;
  - ii. the portion of the PUD south of Highway 184.

## **SECTION 9.5**

### **PREVIOUSLY APPROVED PLANS FOR STRUCTURES**

Nothing herein contained shall require any change in the plans for construction, subdivision or development or any project or part thereof for which an approved use permit, building permit, preliminary or final site plan or preliminary or final subdivision plat has been lawfully issued or approved prior to the effective date of these regulations or any amendment thereto.

## **SECTION 9.6**

### **EXTENTION OF DISTRICT AND LAND USE CLASSIFICATION BOUNDARIES**

- A. District or Land Use Classification boundaries that adjoin rights-of-way, easements, and other development features within the PUD, shall be construed as extending to the center line of such streets, easements, and development features.
- B. District or Land Use Classification boundaries that follow the shoreline of creeks or bodies of water within the PUD shall be construed as extending in to the center of such bodies of water. District or Land Use Classification boundaries that adjoin the shoreline of the Chesapeake Bay within the PUD shall be construed as extending to the mean low water mark.
- C. Where the foregoing rules fail to classify the zoning status of land in a particular case, the Administrator may interpret boundaries of the District or Land Use Classification in such a manner as to carry out the intent and purpose of this PUD. The Developer may appeal the interpretation of the Administrator to the Board of Zoning Appeals.
- D. Minor modifications to the Districts or Land Use Classification boundaries that are in keeping with the concept of the preliminary plan approved by the Town Council may be authorized by the Administrator.

## **SECTION 9.7**

### **LOTS**

- A. For purposes of determining minimum lot size requirements, the gross area of a lot shall be the total area within the lot lines, including:
  - 1. The area of a public or private utility easement, up to a width of 20 feet;
  - 2. Easements for ingress and egress in favor of others;
  - 3. Natural flood fringes;
  - 4. Man-made drainage areas and the easements over them constructed primarily for storage and retention of Stormwater runoff.
  
- B. The following shall not count toward the gross area of a lot:
  - 1. The floodway portion of any natural floodplain;
  - 2. Any body of water;
  - 3. Tidal wetlands that are included within Resource Protection Areas (RPAs);
  - 4. The part of a public or private utility easement whose total width is in excess of 20 feet in width.

## **SECTION 9.8**

### **YARDS, SETBACKS**

- A. All required yards shall be unobstructed by any structure or other improvement which exceeds 16 inches in height as measured from finished ground elevation; provided, however, the following improvements may be located in a yard:
  - 1. In-ground swimming pools and associated pool decks may extend up to 5 feet from any side or rear property line, provided however, that no in-ground swimming pool or associated pool deck shall extend into any required yard adjacent to a street.
- B. The following improvements may be located in a yard without regard to height unless regulated by other sections of this ordinance.
  - 1. Fences, walls;
  - 2. Roof overhangs or eaves which do not extend more than 5 feet into the yard;
  - 3. Residential heating and cooling equipment; and
  - 4. Chimneys which do not extend more than 24 inches into the yard.
- C. No provision of this section shall be interpreted to permit the construction of a Jacuzzi, hot tub or similar apparatus in any yard regardless of height; nor shall this section be interpreted to mean that any structure or improvement listed above need not comply with other sections of these regulations pertaining to height limitations and obstruction of visibility. In addition, certain other structures, uses or accessories may be prohibited in certain yards as set forth in the applicable District or Land Use Classification regulations.
- D. As an exception to the requirements above, where transportation plans have been approved and adopted by the Town Council, all yard requirements shall be measured from the ultimate right-of-way line established on said transportation plan or the street frontage line, whichever is the greater distance from the established center line of the street or road in the transportation plan.
- E. Unless specifically authorized in this section, no portion of any garage, or other accessory structure shall occupy any required front, side or rear yard.
- F. Each zoning lot shall comply with all yard and bufferyard requirements specified by the PUD.

## **SECTION 9.9**

### **FENCES AND WALLS**

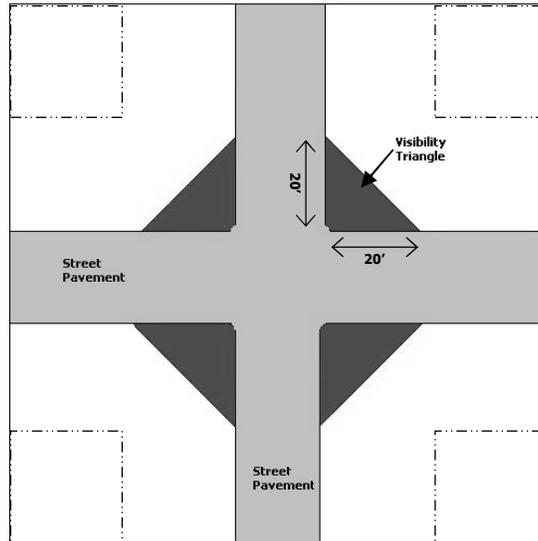
- A. Fences and walls shall not exceed a height of 6 feet in the R District and 8 feet in the SC, C and GBI Districts as measured from the approved finished grade, except for fences enclosing tennis courts which shall not exceed 12 feet.
- B. For the portion of the lot which is clearly and physically the front of the lot, fences or walls shall be set back from the street, 5 feet further than the front of the dwelling unit or principal structure.
- C. Any fences or walls located within any side or rear yard adjacent to a street shall be set back 5 feet from the property line and Category I Landscaping, with a 5 foot planting bed, shall be installed within said setback area.
- D. For the portion of the lot which is located adjacent to golf, lakes, open space or other amenities, fences or walls shall be set back from the property line a distance equal to the setback standard appropriate for that portion of the lot. Said fences or walls shall not exceed 4 feet in height and must allow a minimum of 60% see-through visibility.
- E. Barbed wire or electrified fences are prohibited in all Districts. Chain link fences are prohibited in any R District except for fences enclosing tennis courts and temporary construction fences by the Developer.
- F. All fences and walls, or portions thereof, shall be constructed so that any structural supports are directed toward the interior of the lot.
- G. All fences or walls should be constructed of materials common or complementary to the primary structure of the lot on which said fences or walls are located.
- H. Fences may be on the property line in the Village Land Use Classification.

## SECTION 9.10

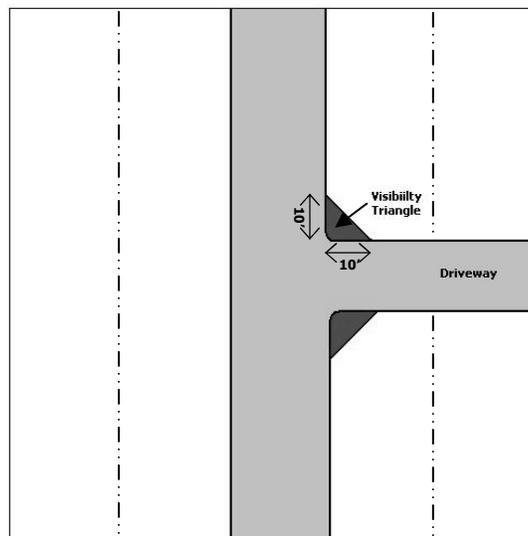
### VISIBILITY TRIANGLES

Visibility triangles, within which nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to impede vision between a height of 2 ½ feet and 10 feet above the center lines of intersecting right-of-ways shall be provided as follows:

A. Street intersections. A visibility triangle shall be required at all street intersections as shown below:



B. Intersections of driveways with streets. A visibility triangle shall be required at all driveway intersections as shown below:



## **SECTION 9.11**

### **NOXIOUS USES OR OPERATIONS**

Within all Districts, no permitted, conditional or accessory uses shall be operated in violation of the following:

- A. **Vibration.** Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible to human senses, without instruments, at the exterior property line of such use.
- B. **Fumes and Gases.** Fumes and gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive.
- C. **Noises.** Every use, activity and process shall be so operated that recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment, or nuisance to any person on the PUD. Every use, activity and process in SC, C and GBI Districts shall be so operated that regularly recurring noises, as detected by the human sense or hearing, without instruments, at adjoining R District boundary lines, shall not exceed the normal noise level generated by uses permitted in the R District.

The provisions of this section shall not apply to construction activities by the Developer or his assigns or contractors, during periods of construction and development of Accawmacke Plantation or to agricultural and horticultural activities while the balance of Accawmacke Plantation is being developed.

## **SECTION 9.12**

### **TEMPORARY CONSTRUCTION OPERATIONS**

In any District, equipment and structures, including free standing mobile homes used solely for temporary construction offices and operations in connection with and on the platted building or land development site, shall be permitted during periods of building and land development on the platted site.

## **SECTION 9.13**

### **GENERAL SIGN REGULATIONS**

In any District, the following general regulations shall apply in addition to regulations in the statewide building code. Any sign authorized by these regulations may contain any lawful copy. Only businesses occupying the premises may display signs on the premises.

#### **SECTION 9.13.1**

##### **SIGN PERMITS**

No sign, other than a sign authorized by Section 9.13.2 shall be erected, constructed, replaced, repaired, repainted or otherwise displayed, unless a permit authorizing the same has been issued by the Administrator. Fees for such permits shall be established by Town Council. Applications for sign permits shall be made to the Administrator, who may require such plans, diagrams and other information as may be necessary to determine whether a proposed sign complies with the provisions of these regulations and the Virginia Uniform Statewide Building Code.

The Administrator shall approve or deny any application within 10 days of its submittal. In the event an application is denied, the Administrator shall advise the applicant in writing of the reasons for denial.

#### **SECTION 9.13.2**

##### **SIGNS PERMITTED IN ALL DISTRICTS**

The following types of signs are allowed but must comply with the standards herein:

- A. Public Signs. Signs of a noncommercial nature and in the interest of, erected by, or on the order of, a public officer in the performance of his public duty, such as traffic, regulatory and informational signs.
- B. Temporary Signs.
  - 1. Temporary signs announcing any public, charitable, educational, religious or other noncommercial event or function, located entirely upon the property on which such event or function is held and set back no less than 7 feet from the property line, and having a maximum sign area of 32 square feet. Such signs shall be allowed no more than 30 days prior to the event or function and must be removed within 3 days after the event or function. If building-mounted, such signs shall be flat wall signs and shall not project above the eave line of the roof. If freestanding, the height of any such sign shall be no more than 8 feet above ground level.
  - 2. Within Districts other than the R District (Residential), temporary signs of a commercial nature announcing grand openings or other special events or promotions, subject to the following:
    - a. Such sign shall not exceed 16 square feet in size;
    - b. Such sign shall be placed in the window of the business;
    - c. Such sign shall not be displayed in excess of 14 days.
- C. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
- D. Private Traffic Direction Signs. Signs directing traffic movement onto a premises or within a premises not exceeding 4 square feet in area for each sign.

- E. Political Campaign Signs. Signs announcing candidates seeking public political office and other date pertinent thereto shall be permitted up to a total area of 8 square feet for all signs on each premises in the R District, and 32 square feet in the SC, C or GBI Districts. Such signs shall be confined within private property and shall not encroach into the visibility triangle. Such signs shall be allowed no more than 30 days prior to the election for which they are intended and must be removed within 2 days after the election.
- F. Identification Signs. Signs not exceeding 1 square foot in area and bearing only property numbers, post box numbers, names of occupants or premises or other identification of premises not having commercial connotations.
- G. Construction Signs. One sign not exceeding 32 square feet in area and bearing only the names and addresses of the project, contractors, architects, developers, planners, financial institutions, or engineers engaged in the construction project and only during the time construction or development is actively underway. Such signs shall be set back no less than 10 feet from any property line.

### **SECTION 9.13.3**

#### **SIGNS PROHIBITED IN ALL DISTRICTS**

The following signs shall be prohibited in all Districts:

- A. Signs which imitate an official traffic sign or signal or which contain the words "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words, except provided in Section 9.13.2(A).
- B. Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- C. Signs in any public right-of-way, except as provided in Section 9.13.2(A).
- D. Signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located.
- E. Signs which contain or consist of pennants, ribbons, flags, streamers, spinners, blinking, flashing, or fluttering lights, strings of lights, or other similar moving devices. These devices, when not part of any sign, are similarly prohibited.
- F. Signs which are attached to utility poles, trees, or fences, or in an unauthorized manner, to walls or other signs.
- G. Signs advertising activities which are illegal under federal, state, or local laws or regulations.
- H. All portable signs. For purposes of this ordinance, a sign shall be considered as portable if it has no permanently mounted, self-supporting structure or is not an integral part of a building to which it is accessory.
- I. Commercial signs oriented toward Chesapeake Bay.
- J. signs projecting above a height greater than 1/2 of the vertical distance between the eaveline and ridgeline of any type of roof.

#### **SECTION 9.13.4**

##### **SIGNS PERMITTED IN THE R DISTRICT (RESIDENTIAL)**

In the R District, signs shall be permitted as follows:

- A. One (1) identification sign at each principal entrance of the PUD.
- B. One (1) identification sign not more than 32 square feet in area for each principal entrance to a subdivision within the PUD.
- C. Signs advertising property for sale, lease or rent provided that no such sign exceeds 6 square feet in area and that not more than 1 such sign be erected in a lot.

#### **SECTION 9.13.5**

##### **SIGNS PERMITTED IN THE SC, C AND GBI DISTRICTS**

In the SC, C and GBI Districts, signs shall be permitted as follows provided, however, that all permanent signs within a zoning lot shall be of a consistent architectural style:

- A. One (1) sign attached to the business premises, not to exceed 32 square feet.
- B. One (1) freestanding sign for each zoning lot, not to exceed 32 square feet of sign area.
- C. Temporary signs advertising unimproved property for sale, lease or rent, provided that no such sign shall exceed 16 square feet in area and that not more than 1 such sign shall be erected for each lot.
- D. Temporary signs advertising improved property for sale, lease or rent, provided that no such sign shall exceed 6 square feet in area and that not more than 1 such sign shall be displayed for each business location and that such sign shall be displayed in the window of the business.

#### **SECTION 9.13.6**

##### **REMOVAL OF PROHIBITED SIGNS IN PUBLIC PLACES**

The Administrator or his Agent shall have the authority to remove and discard any sign in violation of this PUD. Such authority shall be in addition to the authority conferred upon the Administrator by Town Council.

#### **SECTION 9.13.7**

##### **ILLUMINATION**

Signs may be illuminated, except that:

- A. Within the R and SC Districts, illuminated signs that project light are prohibited.
- B. the light directed toward or from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or adjacent premises nor adversely affect the safe vision or operations of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect in an offensive manner on or into residential structures, or hotels or inns.
- C. No sign shall have blinking, flashing or fluttering lights.

### **SECTION 9.13.8**

#### **SIGN HEIGHT, SETBACK AND LANDSCAPING**

- A. No freestanding sign shall exceed 10 feet in height measured from approved finished ground level.
- B. No freestanding sign shall be set back less than 7 feet from any existing right-of-way.
- C. There shall be a minimum of 75 square feet of landscaped area around any freestanding sign. All such landscaping shall be maintained in good condition at all times by the owner, lessee or occupant of the premises upon which such sign is located.
- D. Freestanding signs shall be monument style, and the base or skirt of the sign shall be rectangular and be the same width and depth of the sign.
- E. Freestanding sign may be illuminated by one of the following:
  - 1. Internal lighting;
  - 2. By ground level lighting provided that such lighting projects only onto the sign, and the light fixtures are screened by landscaping.
  - 3. By overhead mounted light fixture provided that the light fixture does not project more than 18 inches from the face of the sign, lighting projects only onto the sign and the light source is shielded from view.
- F. Freestanding signs shall display the street number of the property upon which the sign is located. Such display shall consist of numbers no larger than 12 inches and no less than 6 inches in height and shall be located within, but not extended above the top portion of the face of the sign. The portion of the sign displaying the street number shall not be deemed a part of the sign for purposes of measuring the surface area of such sign.

### **SECTION 9.13.9**

#### **NONCONFORMING SIGNS**

Nonconforming sign shall not be structurally altered, enlarged, moved or replaced, whether voluntarily or involuntarily unless such sign is brought into compliance with the provisions of this PUD. Nonconforming signs shall not be repaired at a cost in excess of 50% of its replacement cost unless such sign is caused to comply with the provisions of this PUD. Any nonconforming sign which is not maintained continuously in good repair and any nonconforming sign which has been abandoned for a period of 2 years shall be removed. For purposes of this Section, a sign shall be deemed to have been abandoned if no copy or advertising matter is exhibited on the advertising faces of such sign.

### **SECTION 9.13.10**

#### **OUTDOOR ADVERTISING STRUCTURES, BILLBOARDS, SIGNBOARDS AND POSTER PANELS**

- A. No billboards or off premises advertising shall be erected or allowed within the PUD.

**SECTION 9.14**

**OFF STREET PARKING AND LOADING REQUIREMENTS**

In any District, the parking requirements in Appendix B shall be met.

## **SECTION 9.15**

### **CONDITIONAL USES**

The purpose of this Section is to recognize certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a given Zoning District. Conditional Uses which are specified within given Districts or Land Use Classifications shall only be allowed upon the issuance of a Conditional Use Permit. It shall be the duty of the Administrator under the provisions of this PUD to evaluate the impact and the compatibility of each such use, and to stipulate such conditions and restrictions that will assure the use is compatible with the neighborhood in which it is located, both in terms of existing land uses and conditions and in terms of development proposed or permitted by right in the area; or where that cannot be accomplished, to deny the use as not being in accordance with the PUD or as being incompatible with the surrounding neighborhood.

#### **SECTION 9.15.1**

##### **PROCEDURAL REQUIREMENTS AND GENERAL STANDARDS FOR CONDITIONAL USES**

- A. Application For Conditional Use Permit. Any property owner, developer, optionee, prospective occupant, or lessee, may file with the Administrator an application for a Conditional Use Permit, provided that the conditional use sought is permitted in the particular district and Land Use Classification and provided further that in the case of other than the owner, the application must be acknowledged by the owner of the property. The application shall be accompanied by a plan showing the actual dimensions and shape of the lot, the exact sizes and locations on the lot of any existing buildings, the general location of any proposed buildings, the existing and proposed uses of structures and open areas, and such additional information as may be requested.
- B. Fees. The application shall be accompanied with the required fee.
- C. Action By The Administrator. The Administrator shall review the application and shall confer with pertinent departments to determine whether the proposed conditional use conforms to the general purpose and intent of the PUD. Upon completion of such review, if the Administrator determines that the proposed use is not an allowed Conditional Use, he shall reject the application. Otherwise, the Administrator shall transmit his findings and recommendations to the Planning Commission.
- D. Action By The Planning Commission. After receiving the report of the Administrator, the Planning Commission shall give notice of and hold a public hearing to consider the application. Within 30 days after the hearing, the Commission shall submit its recommendations to the Town Council provided, however, that upon mutual agreement between the Commission and the applicant, such time may be extended.
- E. Action By Town Council. After receiving the recommendations of the Administrator and the Planning Commission, the Town Council shall hold a public hearing and act upon the proposed conditional use, granting the application in whole or in part, with or without modification, or denying it. Nothing contained herein shall preclude the Planning Commission and Town Council from holding a joint public hearing on the application in lieu of two separate public hearings.
- F. Compliance With Requirements. No Conditional Use Permit shall be issued except upon a finding by the Town Council that the proposed use conforms to the requirements set forth in this PUD and that the proposed Conditional Use, together with the conditions attached, will be compatible with the neighborhood in which it is to be located, both in terms of existing land uses and conditions and in terms of proposed land uses and uses permitted by right in the area. Among matters to be considered in this connection are traffic flow and control; access to and circulation within the property; off-street parking and loading; refuse and service areas; utilities; drainage; screening and buffering; signs; yards and other open spaces; height, bulk, scale and location of structures; location of proposed open space uses; house and manner of operation; and noise, light, dust, odor, fumes and vibrations.

- G. Resubmittal Of A Conditional Use Permit. If a Conditional Use Permit is denied by the Town Council, substantially the same application shall not be filed within 1 year of denial.
- H. Term of Conditional Use Permit. Construction shall begin on the same use of the land for which a Conditional Use Permit has been obtained shall commence within 18 months from the date of issuance of said permit; otherwise, said permit shall expire. Prior to the ending of the 18-month period, upon written request by the applicant to the Administrator, the Administrator, if he finds that the Conditional Use Permit is still in compliance with all applicable regulations and policies, shall extend the Use Permit for an additional 6 months. All Conditional Use Permits not acted upon as set forth above shall expire.

Once the Conditional Use Permit is acted upon by commencement of construction or use, then the general and specific conditions attached to the Conditional Use Permit shall constitute additional zoning regulations and requirements for the site which shall supersede the PUD to the extent of any conflict. No uses other than those set forth in the Conditional Use Permit and those uses accessory thereto shall be allowed on the site until (i) the Conditional Use is removed in its entirety from the site, or (ii) Town Council adopts an ordinance allowing modifications to the conditions or terminating the Conditional Use Permit in whole or in part. Whenever construction or use in conjunction with a Conditional Use Permit is abandoned or is not carried to completion with due diligence, the Town Council may, by ordinance, revoke the Conditional Use Permit, in which case any further use or construction on the site shall be in conformance with the provisions of this PUD. Construction or use shall be deemed to have been initiated when any part of the structure, including foundation, has been put in place.

- I. Revocation of Conditional Use Permit. If the provisions of this PUD or the requirements of the Conditional Use Permit are not met, then Town Council may revoke the Conditional use Permit provided that 10 days' written notice is given to the applicant or current property owner and a public hearing is held.

## **SECTION 9.16**

### **RECREATION AND OPEN SPACE**

Recreation and open space are integral components of this planned residential resort development. A minimum of 35% of the land area subject to these regulations shall be set aside for recreation and open space uses, as provided herein.

#### **SECTION 9.16.1**

##### **RECREATION AND OPEN SPACE AREAS**

The following areas shall be counted in computing the required recreation and open space within the PUD: parks; hiking, biking, pedestrian and nature trails; equestrian trails; beaches, marshes, wetlands and Resource Protection Areas; boardwalks and overlooks; recreational facilities including but not limited to swimming, tennis, basketball, baseball, shelters, pavilions; lakes, drainage areas, retention ponds, and other water features; marinas including all areas excavated to accommodate marinas and marina slips; golf courses; accessory and required parking areas for recreation and open space areas; required buffer areas throughout the PUD; easements greater than 10 feet in width; rights-of-way; and landscaped and natural areas adjacent to rights-of-way throughout the PUD.

#### **SECTION 9.16.2**

##### **ALLOWED USES**

Within the recreational and open space areas, only the following structures shall be permitted: All permitted, conditional and accessory uses allowed within the CO Land Use Classification; piers, docks, bulkheads, marinas and marina related facilities; recreational structures associated with swimming, tennis, baseball, basketball and other recreational facilities; boardwalks, overlooks and bridges; bike and pedestrian facilities; utilities and drainage features; retention areas; golf and tennis clubhouses; stables; accessory and required parking areas for recreation and open space uses; walls and fences; ornamental structures; and storage facilities for recreational uses.

#### **SECTION 9.16.3**

##### **MAINTENANCE AND OWNERSHIP OF RECREATIONAL AND OPEN SPACE AREAS**

Maintenance and ownership of recreational and open space areas within the PUD shall be by any one or a combination of the following: Nothing contained herein shall preclude different recreational and open space areas within the PUD from being owned and maintained by any of the following available options:

- A. Homeowners Association. If a homeowners association is to assume ownership of a recreational and open space area, then it shall bear all responsibility for maintenance of the land and all structures thereon. The homeowners association must be created and operated in accordance with the laws of the Commonwealth of Virginia.
- B. Ownership By Public Or Private Entity. Ownership of a recreational and open space area may be by public or private entity. Such entity shall be responsible for the maintenance of the recreational and open space area and shall make the use and enjoyment of the recreational and open space area available to all residents of the PUD. This shall not preclude the imposition of membership and maintenance payments and dues; nor shall the foregoing preclude the use of recreational and open space facilities by non-residents of the PUD.
- C. Dedication To The Town. Recreational and open space areas may be dedicated to the Town but only with the concurrence of the Town Council. If the dedication is accepted, the recreational and open space shall be maintained by the Town as a recreational and open space area and shall remain subject to the rules of the PUD.

## **SECTION 9.17**

### **CHESAPEAKE BAY ACT**

Notwithstanding Division 6(A) of the PUD nothing contained herein shall preclude Accawmacke Plantation from being required to comply with the Chesapeake Bay delineation map as it may be changed in the future in compliance with the Town's Chesapeake Bay Preservation Area Overlay District Ordinance and applicable State law. However, as portions of Accawmacke Plantation are subdivided in accordance with this PUD, the areas designated on said subdivision plats as RPAs, RMAs and IDAs shall be delineated based upon the town's Chesapeake Bay delineation map in effect at the time of such subdivision.

## **SECTION 9.18**

### **VALIDITY OF ZONING REGULATIONS**

- A. The provisions of these regulations are hereby declared to be severable. If any part, section, provision, exception, sentence, clause, phrase or the application thereof to any person or circumstances for any reason is determined to be invalid, by a court or competent jurisdiction, the remainder of these regulations shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that these regulations would have been adopted even if such invalid matter had not been included herein or if such application had not been made.

## **ARTICLE 15**

### **FLOOD HAZARD DISTRICT**

All sections of Article 15 – Flood hazard District of the Zoning Ordinance for the Town of Cape Charles as it has been adopted and amended as of November 12, 1992 are hereby incorporated by reference as if fully set out herein except for the following Sections which are hereby modified and amended to read as follows:

#### **SECTION 15.3.3**

##### **INTERPRETATION OF DISTRICT BOUNDARIES**

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

#### **SECTION 15.4.1**

##### **PERMIT REQUIREMENT**

All uses, activities and development occurring within any Flood Plain District shall be undertaken only upon the issuance of a zoning permit or building permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Town of Cape Charles' Subdivision Regulations. Prior to the issuance of any such permit, the Administrator shall require all applications to include compliance with all applicable state and federal laws related to Flood Plain Districts. All permits shall be accompanied by an elevation certificate for residential structures and a flood proofing certificate shall be required for nonresidential structures. The use of these certificates do not provide a waiver of the flood insurance purchase requirement. The form is used only to provide elevation information necessary to assure compliance with applicable community flood plain management ordinances, to determine the property insurance premium rate, or to support a request for a letter of map amendment or revision. (See Exhibit E, Elevation Certificate and Exhibit F Floodproofing Certificate)

#### **SECTION 15.8**

##### **VARIANCES IN THE FLOOD PLAIN DISTRICT**

No variance from the terms of this Flood Plain Ordinance shall be authorized within any established Flood Plain District unless the Board of Zoning Appeals finds that the requested variance complies with the following.

#### **SECTION 15.10.1**

##### **ADMINISTRATION**

The Administrator shall prepare a written report of his findings at such time as the subdivision plat or group housing project site plan is submitted for review and approval. The Administrator shall review plats and site plans prior to the final approval by designated authorities, and he shall communicate his findings to the appropriate authorities in writing. Disapproval of flood control measures by the Building Official or Administrator at any stage of review prior to receipt of approved plans shall be grounds for deferral or disapproval of the plans by the Planning Commission, Council, Building Official and Administrator. Any person whose plans or permit application is disapproved on grounds of inadequate flood protection measures shall be so informed by the Administrator. Such person shall then have the right to have such review in writing within 5 days of receiving notice of disapproval. The Council shall

review the decision of the Building Official or Administrator and render its decision at its earliest opportunity. If the original decision shall be reversed by the Council, the subdivision plat, site plan, or building permit application shall then be deemed approved, insofar as flood control measures are concerned.

### **SECTION 15.10.3**

All building permits, site plans and subdivisions shall be reviewed by the appropriate authorized town authority for compliance with the requirements of the Flood Plain District.

## **DIVISION 7**

### **SUBDIVISION REGULATIONS FOR ACCAWMACKE PLANTATION**

Article 14.2 of the Zoning Ordinance for the Town of Cape Charles and Section 7.6 of the Town of Cape Charles Subdivision Ordinance authorizes the Town Council and PUD Rezoning Applicant to establish subdivision regulations that will apply to the Planned Unit Development (PUD). The regulations established herein will be the subdivision regulations applicable to this PUD rather than the existing or subsequently amended Subdivision Ordinance for the Town of Cape Charles. Provided, however, that any future amendments by the Town to the schedule of fees and charges for subdivision review and approval shall be universally applied throughout the Town and applicable to this PUD.

#### **A. INCORPORATED SECTIONS**

With the exception of the deletions, revisions and additions set out below in Paragraph C – Amended Sections, the Town of Cape Charles Subdivision Ordinance as it has been adopted and amended as of November 12, 1992, is hereby incorporated by reference as if fully set out herein. (See Appendix D)

#### **B. REPEALED ORDINANCES**

Any other ordinances or regulations adopted by the Town of Cape Charles regulating subdivisions, except those set out herein, are hereby repealed solely for purposes of their application to this PUD.

#### **C. AMENDED SECTIONS**

The following section of the Town of Cape Charles Subdivision Ordinance as it has been adopted and amended as of November 12, 1992, are hereby deleted, revised or added solely for purpose of their application to this PUD.

#### **SECTION 1.3.2**

Section 1.3.2 is amended to read as follows: This Subdivision Ordinance as amended by this PUD (hereinafter referred to as Ordinance) is not intended to interfere with, abrogate, or annul any easement, covenant, restriction or any other agreement between parties, or any other regulations applicable to this PUD.

#### **SECTION 1.3.3**

Section 1.3.3 is amended to read as follows: Notwithstanding Section 1.3.2, where there is or appears to be a conflict between the provisions of this Ordinance and the zoning regulations within the PUD (Division 6), then the provisions of the zoning regulations shall govern.

#### **SECTION 2**

Section 2 entitled "Definitions" is hereby repealed in its entirety and the definitions set forth in Division 6, Article 2 of the PUD zoning regulations are hereby incorporated by reference as if fully set out herein and shall serve as the definitions applicable to the subdivision regulations applicable to this PUD.

#### **SECTION 4.1**

Section 4.1 is amended to read as follows: Any owner or developer of any tract of land situated within the Town of Cape Charles who subdivides the same shall cause a plat of such subdivision, with reference to known or permanent monuments, to be made and recorded in the office of the clerk of the appropriate court. No such plat or subdivision shall be recorded unless and until it shall have been submitted, approved and certified by the Agent in accordance with the regulations set forth in this Ordinance. No lot may be actually conveyed in any subdivision before the plat has been recorded,

however, this shall not prevent parties from contracting to purchase lots within Accawmacke Plantation subject to the recording of a final subdivision plat for such lot, prior to closing.

In the event a proposed subdivision plat is disapproved by the Agent or the Agent's approval is withheld beyond the time limits established by law, the subdivider may appeal in the manner provided by Article 7 of Title 15.1 of the Code of Virginia, 1950 as amended.

**SECTION 4.2**

Section 4.2 is amended to read as follows: CERTIFICATION. Every such plat shall be prepared by a Surveyor or Engineer, duly licensed by the State of Virginia, who shall endorse upon each plat a certificate signed by him setting forth the source of the title to the land subdivided, and the place of record of the last instrument in the chain of title. When the plat is of land acquired from more than one source of title, the outlines of the several tracts shall be indicated upon such plat, within an inset block, or by means of a dotted boundary line upon the plat.

Certificates signed by the Surveyor or Engineer setting forth the source of title of the owners of the land subdivided, the place or record of the last instrument in the chain of title, and that the subdivision conforms to all requirements of the PUD, shall be in the following format:

Certificate of Source of Title

The property shown on this plat was conveyed by (previous owner) to (current owner) by (type of instrument) dated (date) and recorded in the Office of the Clerk of the Circuit Court of Northampton County in Deed Book (number) Page (number).

Engineer or Surveyor's Certificate

I hereby certify that to the best of my knowledge or belief, this plat complies with all of the requirements of the PUD regarding the platting of subdivisions within the Town. In accordance with FIRM Community-Panel Number \_\_\_\_\_, revised \_\_\_\_\_ (if applicable), the project site lies within zone \_\_\_\_\_ (description).

Date: \_\_\_\_\_ Name: \_\_\_\_\_

**SECTION 4.3**

Section 4.3 is amended to read as follows: OWNER'S STATEMENT. A certification of each owner's consent duly acknowledged before a licensed notary public shall be in the following format:

Owner's Certificate

The subdivision If land shown on this plat and known as (name of subdivision) is with the free consent and in accordance with the desire of the undersigned owners, proprietors and/or trustees.

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Certificate of Notarization State of Virginia

City/County of (Name), I (Name Printed) a Notary Public in and for the City/County and State aforesaid, do hereby certify that the persons whose names are signed to the foregoing writing have acknowledged the same before me in the City/County aforesaid.

Given under my name the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

My Commission Expires: \_\_\_\_\_

**SECTION 4.7**

Section 4.7 is amended to read as follows: VACATING PLAT. Any plat of record may be vacated in accordance with the provisions of Title 15.2-2278 of the Code of Virginia, 1950 as amended.

**SECTION 4.8**

Section 4.8 is amended to read as follows: PREPARATION STANDARDS AND SUBMISSION REQUIREMENTS FOR RECORD PLATS. All plats shall be prepared in accordance with the following:

A. Plats submitted to the Agent for final approval and recordation shall be clearly and legibly drawn in dark black ink upon .004 mil or thicker polyester based drafting film with a matte finish on both sides and having a sheet size of 18 inches by 24 inches (18" x 24"). In accordance with the Standards for Recorded Instruments of the Virginia State Library Board, the following preparation standards shall apply.

1. All drawing, lettering and inscription shall be in permanent black ink and shall be solid, dense, uniform, sharp, unglazed, and on one side of the sheet only.
2. All signatures shall be in black or dark blue permanent ink.
3. Lettering and line weight shall be no less than .013 inches or .3302 mm.
4. Lettering shall be no less than one-tenth (1/10) inch or 2.54 mm in height.
5. Letter and line spacing shall be no less than 0.40 inches or 1.016 mm.
6. All plats shall have centering marks on each side.
7. margins shall be at least one-fourth (1/4) inch on all sides.
8. All shading or screening shall be eliminated over written data.
9. Good drafting practice shall be followed when eliminating ghost lines and when doing erasures.
10. Adhesive backed shading, lettering, etc. is prohibited.

B. The subdivider shall submit 2 reproducible copies of the approved final plat, prepared in accordance with the above requirements to the Town for signature and recordation. All plats submitted to the Town shall be complete including the following:

1. All required signatures and notarization, except that of the Town shall have been affixed to each copy in the format specified in this PUD.
2. A signature block for certification by the Town shall be affixed to each copy as shown below:

Certificate of Approval

This subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be admitted to the record.

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Manager, Town of Cape Charles

Date: \_\_\_\_\_ Name: \_\_\_\_\_  
Planner, Town of Cape Charles

3. Copies of deeds, covenants, agreements, easements, performance guarantees or other certificates or instruments which have been required by the Town or are intended for recordation in conjunction with the plat, complete with all required seals, shall be submitted.
4. Recordation fees in an amount sufficient to cover the recordation costs of the plat and other instruments shall be submitted.

### **SECTION 5.2**

Section 5.2 is amended to read as follows: The Agent shall review and approve or deny proposed subdivisions in accordance with the regulations set out herein. In this connection, the Agent may request reasonable maps and other relevant data to verify compliance with these regulations.

### **SECTION 5.3**

Section 5.3 is amended to read as follows: SPECIAL PLAT REQUIREMENTS.

- A. The development of property subject to regulations set out in Article 15 (Flood Hazard Districts) or Division 6 of this PUD shall comply with said regulations. Subdivision plats for property within these designated FEMA Districts shall indicate the FEMA designation and required finished floor elevation on the face of the plats.
- B. All property located within a designated Resource Protection Area or a Resource Management Area shall be shown on the plat.

### **SECTION 5.4**

Section 5.4 is amended to read as follows: IMPROVEMENTS. All required public improvements shall be installed by the subdivider at his cost. Subdivider's bond shall be filed and released in accordance with these regulations. All improvements shall be in accordance with the following requirements.

#### **SECTION 5.4.1.1**

Section 5.4.1.1 is amended to read as follows: Whenever possible, streets should intersect at right angles, and offsets and jogs should be avoided.

#### **SECTION 5.4.1.2**

Section 5.4.1.2 entitled "Service Drives" is hereby deleted in its entirety.

#### **SECTION 5.4.1.4**

Section 5.4.1.4 is amended to read as follows: The minimum width of public streets, measurer from lot line to lot line shall be as specified by the Virginia Department of Transportation for acceptance into the State's secondary road system.

#### **SECTION 5.4.1.6**

Section 5.4.1.6 is amended to read as follows: Public streets shall be constructed in accordance with the requirements of the Virginia Department of Transportation's Subdivision Street Requirements, latest edition. A system shall be provided to accommodate drainage and disposal of surface and Stormwater from or across all streets and adjoining properties.

#### **SECTION 5.4.1.7**

Section 5.4.1.7 is amended to read as follows: Each cul-de-sac shall be terminated by a turnaround of not less than 100 feet in diameter.

### **SECTION 5.4.1.8**

Section 5.4.1.8 is amended to read as follows: Private streets shall be permitted in any subdivision. Each said street shall be designed in accordance with sound engineering and safe highway and road design principles. The sub-base, base and final grade of all private streets shall meet or exceed the Virginia Department of Transportations' Street Requirements, latest edition, provided that pavers may be used in portions of said private streets. If swales are incorporated as part of the design, then the subdivider shall provide a notation on the subdivision plat requiring abutting property owners to maintain and keep the swales free of debris, litter or plantings that interfere with or impede the function of the swales. Prior to recordation of any lot facing on a private street, the developer shall have prepared a set of street specifications and requirements for all private streets in the subdivision.

All private streets shall be maintained by a homeowners association. Nothing shall require the Town to accept any proposed dedication of any private streets within the PUD unless the town Council, in its sole discretion, decides to accept the proposed dedication, in which case the road shall become public and be maintained as part of the public road system.

The Developer shall provide sufficient access to all streets within the PUD, whether public or private, to accommodate the installation and maintenance of utilities, emergency services, and the extension of other Town services available to other residents within the Town.

### **SECTION 5.4.1.9**

Section 5.4.1.9 is amended to read as follows: NAMES. Street names shall be indicated on the preliminary and final plats and shall be approved by the Agent. Names of existing streets within currently subdivided portions of the Town shall not be changed except by approval of the governing body.

### **SECTION 5.4.1.10**

Section 5.4.1.10 is amended to read as follows: STREET SIGNAGE. Street regulatory signs shall be approved by the Agent in accordance with applicable state traffic regulations. Nothing contained herein shall preclude the subdivider from enhancing the appearance of the traffic regulatory signs through the use of decorative support structures, decorative trim or other decorative features that do not interfere with the face and function or safety of the traffic regulatory signs.

### **SECTION 5.4.1.11**

Section 5.4.1.11 is hereby added to read as follows: All connector streets within the PUD that connect the subdivisions to other main arterial roads or other connector streets shall provide walkways or bike paths within or adjacent to the rights-of-way for such connector streets.

### **SECTION 5.4.2**

Section 5.4.2 is amended to read as follows: MONUMENTS – GENERAL REQUIREMENTS. Upon completion of subdivision streets, sewers, waterlines and other improvements, all monuments required by this Chapter shall be clearly visible for inspection and use. The subdivider shall be responsible for replacing any monument which is damaged or knocked out of alignment during construction. Prior to final release of the surety required for subdivision, the subdivider shall provide certification from an Engineer or Surveyor that monuments required by this Chapter have been properly placed.

At least 2 monuments at the subdivision corners shall be referenced to the VCS 1983. In this respect, subdivision plans must show the coordinate values of 2 or more monuments so referenced. Additionally, the geodetic monument from which the coordinate reference is derived shall be referenced including its identified and VCS 83 coordinates. Vertical datum shall be the 1929 National Geodetic Datum.

### **SECTION 5.4.2.1**

Section 5.4.2.1 is amended to read as follows: LOCATIONS AND SPECIFICATION FOR MONUMENTS. Concrete monuments which are 4 inches in diameter or square, 3 feet long, and with a flat top, shall be set at all street corners, at all points where the street line intersects the exterior boundaries of the

subdivision, and at right-angle points and at points of curve in each street. The top of the monument shall have a cross or metal plug at the center for identifying the location and shall be set flush with the finished grade. Alternative types of monuments may be used if approved by the Agent prior to installation.

#### **SECTION 5.4.2.2**

Section 5.4.2.2 is amended to read as follows: LOT CORNER MONUMENTS. All lot corners shall be marked with an iron pipe monument not less than 3/4 inch in diameter and 24 inches long. Such monuments shall be driven flush with the finished grade. When rock is encountered, a hole shall be drilled 4 inches deep in the rock into which shall be cemented a steel rod 1/2 inch in diameter. The top of the rod shall be flush with the finished grade line. Alternate types of monuments may be used if approved by the Town prior to installation.

#### **SECTION 5.4.3**

Section 5.4.3 is amended to read as follows: WATER FACILITIES. Domestic water and fire flow shall be made available to all lots within a subdivision, by the subdivider in accordance with the design standards and specifications for water, construction, and improvement in Cape Charles, Virginia and meeting the approval of the Agent. Flows required for fire protection shall be in accordance with applicable requirements of the National Fire Protection Association, Insurance Services Office, State and local agencies, and subject to the approval of the Fire Chief. Individual wells will only be permitted for irrigation purposes.

#### **SECTION 5.4.4**

Section 5.4.4 is amended to read as follows: SEWAGE FACILITIES. Public sewage facilities shall be extended from the designated main to all lots within a subdivision. Such sewer facilities, pump stations and lift stations shall be provided by the Developer and dedicated to the Town upon completion of the system within a subdivision. Septic tanks will not be permitted. Each subdivision shall set forth a satisfactory and sanitary means of sewage, collection and disposal which system shall be designed in a fashion to allow a safe and efficient connection to the Town's public sewage facilities.

#### **SECTION 5.4.5**

Section 5.4.5 is amended to read as follows: DRAINAGE. Drainage and Stormwater management facilities shall be provided either on-site or off-site to reduce drainage flows, pollutants and sediment loading from the subdivision, all to a level not exceeding the conditions prior to development, or to a lesser level if deemed necessary to comply with the Chesapeake Bay Preservation Ordinance as contained in Division 6, Article 16 of the PUD. The Agent shall approve, or approve with modification, only those Stormwater management facilities which comply with this PUD, where applicable.

#### **SECTION 5.4.6**

Section 5.4.6 is amended to read as follows: STREET LIGHTS. Street lights shall be installed in the SC, C and GBI Districts and may be installed in the R District at the discretion of the Developer.

#### **SECTION 5.4.7**

Section 5.4.7 is amended to read as follows: FIRE PROTECTION. Adequate fire hydrants are required in a subdivision at locations approved by the Agent. The location of the fire hydrants shall meet the National Fire Protection Association specifications.

#### **SECTION 5.4.8**

Section 5.4.8 is amended to read as follows: EASEMENTS. Easements of at least 20 feet in width for the installation and maintenance of water, sewer drainage, power lines and other utilities shall be shown on the plat. The width of the easement shall be in accordance with design, plans and specifications provided by the Engineer.

#### **SECTION 5.4.9**

Section 5.4.9 is amended to read as follows: SUBDIVISION AGREEMENT AND BOND. Prior to the recording of any subdivision plat, there shall be an agreement executed by the Owner, Developer or Contractor to construct the agreed upon public improvements that are located within the public right-of-way or public easements. The agreement will be in accordance with this PUD and will serve to guarantee that the required public improvements will be installed within a designated and reasonable length of time and in a manner acceptable to the Agent. The agreement shall be accompanied by a letter of credit, escrow or bond in an amount equal to the total cost of such improvements. Such security shall remain in force until completion of the secured improvements within the public right-of-way or public easement as shown on the approved subdivision plat. Such security shall be partially or proportionally released within 30 days of receipt by the Town of written notice from the contractor certifying completion of a distinguishable part of the secured improvements. If the Town notifies the contractor in writing of any defects or deficiencies in the secured improvements within this 30 day period, then corrective measures must be taken by the contractor prior to any partial or complete release of the security. Such security shall be with a firm or bank acceptable to the Agent, whose approval shall not be unreasonably withheld.

#### **SECTION 5.5.2**

Section 5.5.2 is amended to read as follows: LOCATION. Each lot shall abut on a right-of-way.

#### **SECTION 5.5.3**

Section 5.5.3 is amended to read as follows: CORNER LOTS. Corner lots shall be sized to meet the setback requirements within the appropriate District or Land use Classification of the PUD>

#### **SECTION 5.5.6**

Section 5.5.6 entitled "Separate Ownership" is hereby deleted in its entirety.

#### **SECTION 5.6**

Section 5.6 and Sections 5.6.1, 5.6.2 and 5.6.3 all relating to "Blocks" are hereby deleted in their entirety.

#### **SECTION 5.7**

Section 5.7 entitled "Dedication of Land" is hereby deleted in its entirety.

#### **SECTION 6.1**

Section 6.1 entitled "Approval Required For Sale" is hereby deleted in its entirety.

#### **SECTION 6.3.5**

Section 6.3.5 is amended to read as follows: The conceptual drainage layout, including estimated pipe sizes, types, drainage easements and the means of conveyance of the drainage to an adequate outfall.

#### **SECTION 6.3.7**

Section 6.3.7 is amended to read as follows: A conceptual street contour map showing the proposed drainage patterns and facilities.

#### **SECTION 6.3.8**

Section 6.3.8 is amended to read as follows: The location of each proposed lot line showing approximate scaled dimensions.

#### **SECTION 6.3.9**

Section 6.3.9 is amended to read as follows: The proposed building setback lines shown as dotted lines with scaled dimensions to the front property line.

#### **SECTION 6.3.11**

Section 6.3.11 is amended to read as follows: The estimated location and limits of Resource protection Areas and Resource Management Areas established in accordance with Division 6, Article 16 of this PUD.

#### **SECTION 6.3.12**

Section 6.3.12 is amended to read as follows: A location map.

#### **SECTION 6.3.13**

Section 6.3.13 is amended to read as follows: Proposed connections with existing sanitary sewers and existing water supplies.

#### **SECTION 6.4.2**

Section 6.4.2 is amended to read as follows: A statement by the subdivider that they have consulted with the Health Department as to any matters that will require Health Department review and approval during the subdivision process.

#### **SECTION 6.4.4**

Section 6.4.4 is amended to read as follows: A statement by the subdivider that they have notified the highway engineer concerning the plans and specifications and any special treatment that should be required for the construction of any roads that will be dedicated into the primary or secondary road systems.

#### **SECTION 6.4.8**

Section 6.4.8 relating to "Outline of Deed Covenants" is hereby deleted in its entirety.

#### **SECTION 6.5**

Section 6.5 is amended to read as follows: PROCEDURE. The Agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not the preliminary plat generally conforms to the requirements of the PUD. The subdivider shall then be advised in writing within 45 days, which may be by formal letter and by legible markings on the copy of the preliminary plat, of any additional data that may be required.

In determining the cost of the required public improvements and the amount of the performance bond, the Agent may consult with a duly licensed engineer who may prepare this date for the Agent. Any bond shall be due prior to approval of the final subdivision plat.

#### **SECTION 6.6**

Section 6.6 is amended to read as follows: PRELIMINARY SUBDIVISION APPROVAL. Approval of a preliminary subdivision plat does not constitute a guarantee of approval of the final subdivision plat. However, if the subdivider complies with the Town's comments on the approved preliminary subdivision plat in accordance with the applicable regulations contained within the PUD then such final subdivision plat shall be approved.

#### **SECTION 6.7**

Section 6.7 is amended to read as follows: LIMITS. Subdivider shall have 1 year from receiving official notification concerning the preliminary plat approval to file with the Agent a final subdivision plat in accordance with the PUD. Failure to submit the final subdivision plat within 1 year shall make preliminary approval null and void unless the Agent grants an extension. Any changes in the zoning and subdivision regulations applicable to this PUD during this period shall not affect the approved preliminary subdivision plat or the final subdivision plat submitted in accordance therewith.

#### **SECTION 6.8**

Section 6.8 and Section 6.8.1, 6.8.2 and 6.8.3 relating to "Plat Certifications" are hereby repealed in their entirety and Section 6.8 shall read as follows: FINAL PLATS. The final plat's preparation standards and submission requirements shall meet the requirements set forth in Section 4.8 of the PUD subdivision regulations.

#### **SECTION 6.8.5**

Section 6.8.5 is amended to read as follows: The accurate location and dimensions by bearings and distance with: all curve data on all lots and street lines and center lines of streets; boundaries of all proposed or existing easements, parks and school sites; all existing public and private streets, their names and numbers; limits of FEMA Flood Hazard Districts; the limits of RPAs and RMAs as set out in this PUD; water courses and their names; and names of owner and the location of the property lines both within the boundary of the subdivision and contiguous to said boundaries.

#### **SECTION 6.8.6**

Section 6.8.6 is amended to read as follows: Distances and bearings must balance and close with an accuracy of not less than 1 in 10,000 feet and all plats shall be prepared using state plane coordinates and grids.

#### **SECTION 6.8.8**

Section 6.8.8 shall be added and shall read as follows: CONSTRUCTION PLANS. Construction Plans shall be submitted by the Developer and approved by the Administrator prior to approval of the final subdivision plat.

#### **SECTION 6.9**

Section 6.9 is amended to read as follows: CONDITIONS. The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design required by this PUD and has made satisfactory arrangements for performance bond, letter of credit, cash or cash bond to cover the cost of necessary public improvements in lieu of construction. Approval of final plat shall be written on the face of the plat by the Agent. Subdivider shall record the plat within 6 months after final approval.

#### **SECTION 6.9.1**

Section 6.9.1 relating to "Additional Plat Filings" shall be deleted in its entirety.

#### **SECTION 6.9.2**

Section 6.9.2 is amended to read as follows: Approval of the final plat shall be deemed acceptance by the Town of any street or road shown on the plat as a street, road or other public right-of-way to be dedicated to the Town unless the Administrator clearly marks on the plat that the Town is not accepting said street road or other public-right-of-way.

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## **DIVISION 8**

### **SITE PLAN REGULATIONS FOR ACCAWMACKE PLANTATION**

Article 14.2 of the Zoning Ordinance for the Town of Cape Charles authorizes the Town Council and PUD Rezoning Applicant to establish site plan regulations that will apply to the Planned Unit Development. The regulations established herein will be the site plan regulations applicable to this PUD rather than the existing or subsequently amended Site Plan Ordinances by the Town of Cape Charles. Provided, however, that any future amendments by the Town to the schedule of fees for site plan review and approval shall be universally applied throughout the Town and applicable to this PUD.

#### **A. INCORPORATED ARTICLES**

Article 17 of the Zoning Ordinance for the Town of Cape Charles, Virginia as it has been adopted and amended as of November 12, 1992, is hereby incorporated by reference as if fully set out herein. (See Appendix D). This Article, although incorporated from the Zoning Ordinance for the Town of Cape Charles shall not be deemed part of the zoning regulations for this PUD but shall serve as a separate and distinct site plan ordinance for this PUD.

#### **B. REPEALED ORDINANCES**

Any other ordinances or regulations adopted by the Town of Cape Charles regulating site plans, except those set out above, are hereby repealed solely for purposes of their application to this PUD.

#### **C. AMENDED SECTIONS**

Article 17 – Site Plans, as incorporated herein by reference is hereby amended by amending Section 17.4(a)(14) and by the incorporation of Sections 17.12 and 17.13 which read as follows:

##### **SECTION 17.4(a)(14)**

Section 17.4(a)(14) is amended to read as follows: (14) Delineation of any floodplain limits and any RPA, RMA or IDA areas together with the location and dimensions of any required features required by the provisions of Article 16 of the Town's Zoning Ordinance, incorporated herein in Division 6(A) of this PUD.

##### **SECTION 17.12**

Section 17.12. DEFINITIONS. The definitions set forth in Division 6, Article 2 of the PUD zoning regulations are hereby incorporated by reference as if fully set out herein and shall serve as the definitions to the regulations applicable to this PUD.

##### **SECTION 17.13**

Section 17.13. VALIDITY OF SITE PLAN REGULATIONS. The provisions of these regulations are hereby declared to be severable. If any part, section, provision, exception, sentence, clause, phrase or the application thereof to any person or circumstances for any reason is determined to be invalid, by a court of competent jurisdiction, the remainder of these regulations shall remain in full force and effect and its validity shall not be impaired, it being the legislative intent now hereby declared that these regulations would have been adopted even if such invalid matter had not been included herein or if such application had not been made.

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**TABLE I**  
**LAND USE SUMMARY**

<b>District</b>	<b>Description</b>	<b>Acres</b>	<b>Pct of Total</b>
<b>R</b>	Residential District	1,760.39	92.9
<b>SC</b>	Specialty Commercial District	98.87 <sup>a</sup>	5.2
<b>C</b>	Commercial District	18.84	1.0
<b>GBI</b>		3,000	100
<b>TOTAL PROJECT</b>		1,895.44	

Notes: a. Includes 64.27 acres planned for lakes, ponds and buffers.

**TABLE II**  
**PROJECT DISTRIBUTION RESIDENTIAL DWELLING UNITS<sup>a</sup>**

<b>Use</b>	<b>Description</b>	<b>Estimated Units</b>	<b>Pct of Total</b>
<b>R-1</b>	Low Density Residential	1,359	45
<b>R-2</b>	Medium Density Residential	1,137	38
<b>R-3</b>	Multi-Family / Townhouse Residential	504	17
<b>Total Residential Units</b>		3,000	100
<b>Total Project Acreage</b>		1,895.44	
<b>Density (dwelling units per acre)</b>		1.58	

Notes: a. Changes to the distribution shall be permitted to accommodate site and market conditions. The total of 3,000 residential u nits may not be exceeded unless this PUD Document is amended by the Town of Cape Charles.

**TABLE III**  
**DEVELOPMENT STANDARDS RESIDENTIAL AREAS<sup>a</sup>**

Use Classification	R-1			R-2				R-3	
	Single Family Regular Lot	Single Family Large Lot	Single Family Estate Lot	Single Family Small Lot	Single Family Patio Lot	Duplex Lot	Single Family "Zero" Lot	Town-house Lot	Multi-Family Lot
<b>Lot Types</b>									
<b>Minimum Lot Area (sq.ft.)</b>	12,000	25,000	40,000	6,000	6,000	10,000	6,000	1,500	1,500
<b>Minimum Lot Width (ft)</b>	80	100	120	50	50	60	50	20	na
<b>Minimum Lot Depth (ft)</b>	110	125	140	85	85	85	85	na	na
<b>Front Yard Setback (ft)</b>	30	40	50	25	20	25	25	25 or 30	30 or 35
<b>Side Yard Setback (ft)</b>	15	20	25	15	5 & 15	20	0 & 15	20	25
<b>Corner Side Yard Setback (ft)</b>	25	30	35	25	5 & 25	30	0 & 25	20	25
<b>Rear Yard Setback (ft)</b>	30	30	30	20	20	20	20	15 or 30	20 or 25
<b>Maximum Building Height (ft)</b>	40	40	40	40	40	40	40	40	50
<b>Distance Between Principal Structures (ft)</b>	na	na	na	na	na	na	na	25	25
<b>Off Street Parking Spaces per Dwelling Unit</b>	2	2	2	2	2	2	2	(see Appendix B)	
<b>Maximum Percent Lot Coverage</b>	35	35	35	50	50	50	50	60	50

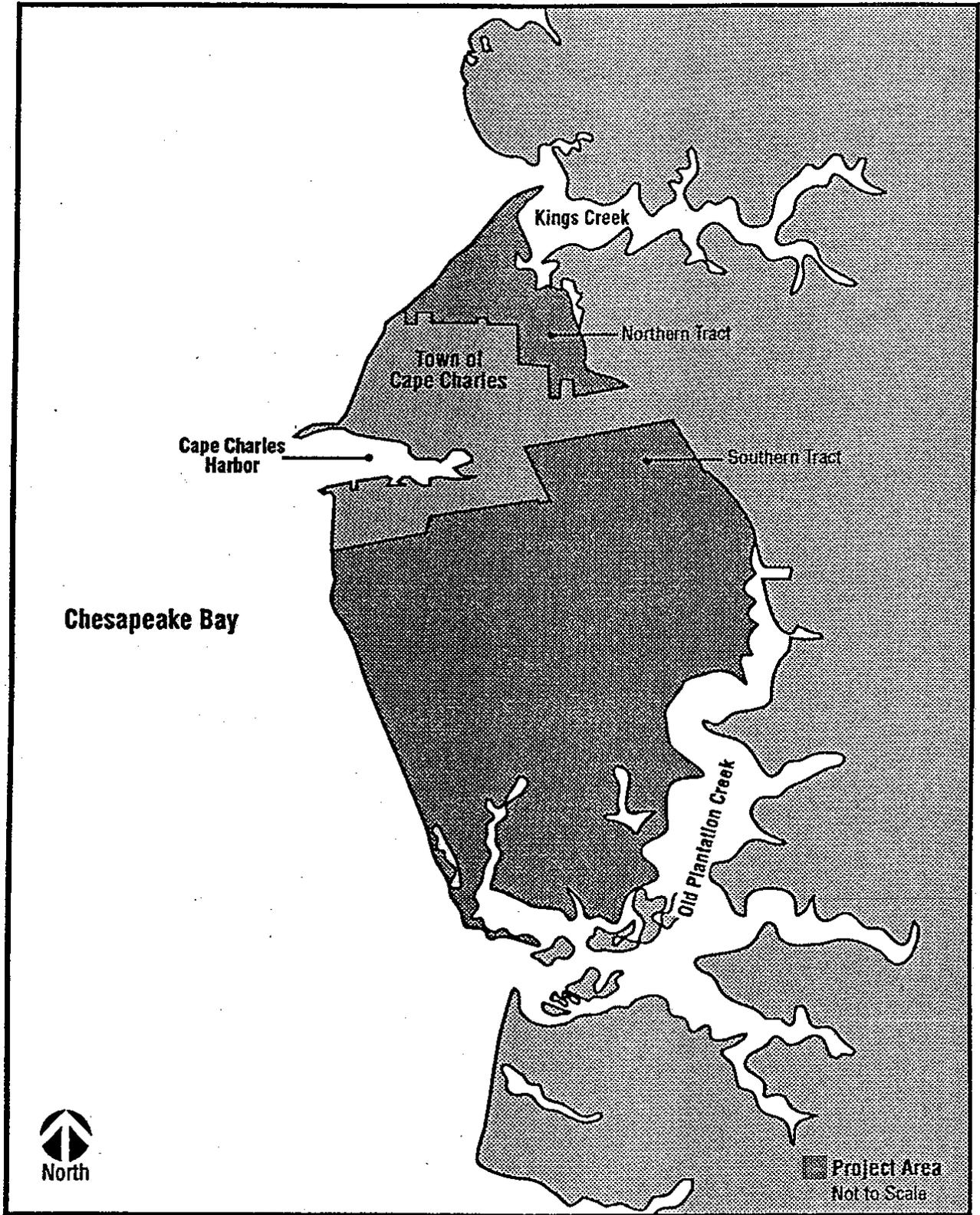
Notes: a.

To the extent any of these Standards are in conflict with the Standards established in the Districts and Land use Classifications, then the latter shall apply.

**TABLE IV**  
**SUMMARY OF MINIMUM STANDARDS FOR STREETS**

	Thoroughfare	Collector	Minor	Cul-De-Sac	Alley
<b>Minimum Right-of-Way (ft)</b>	60	50	50	50	20
<b>Number of Lanes</b>	2	2	2	2	2
<b>Lane Width (ft)</b>	12	12	10	10	9
<b>Shoulder Width (ft)</b>	8	6	6	6	na
<b>Design Speed (mph)</b>	40	35	30	20 to 30	20
<b>Posted Speed (mph)</b>	35	30	25	15 to 25	15
<b>Maximum Service Restriction (ADT)</b>	none	3,500	1500.0	750	na

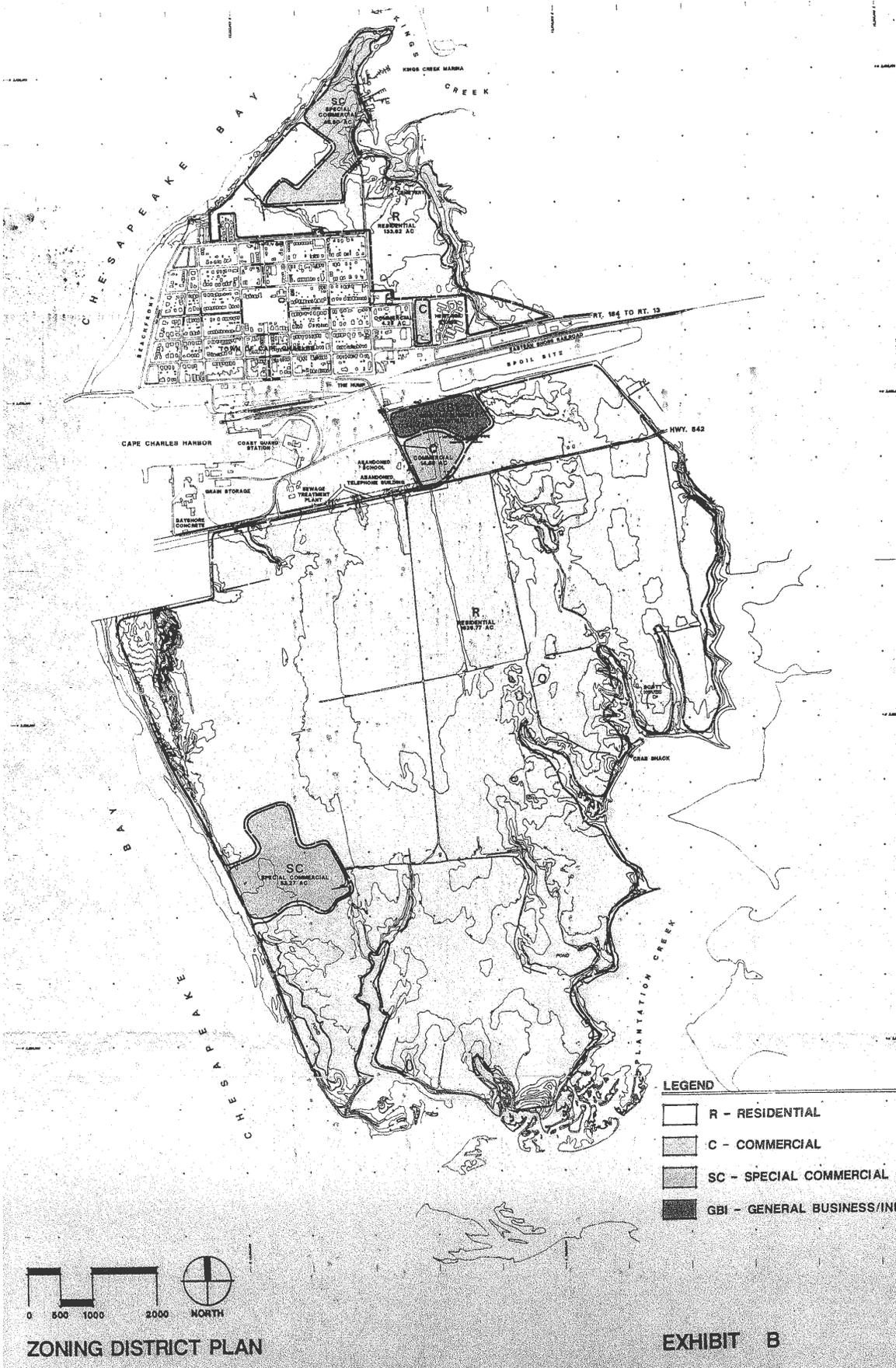
EXHIBIT A – LOCATION MAP



**LOCATION MAP**

**EXHIBIT A**

**EXHIBIT B – ZONING DISTRICT PLAN**





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**APPENDIX A – BUFFERYARDS**

**A. PURPOSE**

Bufferyard requirements are set forth within the various Articles of Division 6. The purpose of this Appendix is:

- 1. To establish minimum landscape requirements to be placed in the bufferyard, and
- 2. To establish a planting bed within the bufferyard and limit its dimension in order to concentrate the landscaping for the purpose of creating a visual barrier.

Bufferyards shall be in addition to the front, side, or rear yard requirements within the various Districts and Land Use Classifications set out in the PUD.

**B. LANDSCAPE CATEGORIES**

- 1. Category I Landscaping
  - a. Category I Landscaping shall consist of evergreen plant material with minimum planting height of 3 to 4 feet reaching an ultimate mature height of 8 to 10 feet. The intent is to promote low, thick landscaping to visually and physically separate uses. The effect of this category at maturity will be to form an evergreen hedge of 8 to 10 feet in height.
  - b. The width of the buffers are set forth in the Zoning Districts and Land Use Classifications.
  - c. The width of the planting bed shall be 10 feet wide and run continuously for the length of the buffer and be contiguous to the District or Land Use Classification to be buffered.
  - d. Recommended low and mid-height plant material:

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANTING HEIGHT (FT)</b>	<b>SPACING (FT)</b>
Camellia japonica	Common Camellia	3 to 4	4
Cleyera japonica	Cleyera	3 to 4	4
Elaeagnus pungens	Thorny Elaeagnus	3 to 4	5
Euonymus patens	Euonymus	3 to 4	4
Ilex vomitoria	Yaupon Holly	3 to 4	4
Ligustrum japonicum	Ligustrum	4 to 5	4
Myrica cerifera	Southern Was Myrtle	3 to 4	4
Osmanthus ilicifolius	Gulf tide Osmanthus	3 to 4	4
Photinia frazeri	Red Photinia	3 to 4	4
Pittosporum tobira	Pittosporum	3 to 4	4
Viburnun rhytidophyllum	Leather Leaf Viburnum	3 to 4	4

- e. Planting should not encroach onto adjacent property.

- f. Existing vegetation suitable for use in compliance with the requirements of this category, when supplemented so as to provide planting and screening in accordance within the purpose and intent of this category should be utilized to fulfill planting requirements.
- g. The developer may substitute plant material other than those on the recommended list upon approval of the Administrator.
- h. The bufferyard shall be used only for the purpose of providing areas for required screening and separation, except that driveways or walkways providing site access may be installed across buffer areas.
- i. Plant material indigenous to the region are desirable and encouraged because of their xeriscape characteristics and adaptation to local site conditions.

2. Category II Landscaping

- a. Category II Landscaping shall consist of evergreen plant material with minimum planting height of 3 to 6 feet reaching an ultimate mature height of 20 feet. The intent is to promote low and medium height and density landscaping to visually and physically separate uses. The effect of this category at maturity will be to form an informal evergreen hedge with additional trees. Planting can be either in a regular or an irregular line, allowing variation for the visual enhancement. Plant material from both d. and e. must be incorporated.
- b. The width of the buffers are set forth in the Zoning Districts and Land use Classifications.
- c. The width of the planting bed shall be 10 feet wide and run continuously for the length of the buffer and be contiguous to the district or Land use Classification to be buffered.
- d. Recommended low and mid-height plant material:

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANTING HEIGHT (FT)</b>	<b>SPACING (FT)</b>
Camellia japonica	Common Camellia	3 to 4	4
Cleyera japonica	Cleyera	3 to 4	4
Elaeagnus pungens	Thorny Elaeagnus	3 to 4	5
Euonymus patens	Euonymus	3 to 4	4
Ilex vomitoria	Yaupon Holly	3 to 4	4
Juniperus torulosa	Hollywood Juniper	3 to 4	3
Ligustrum japonicum	Ligustrum	4 to 5	4
Myrica cerifera	Southern Wax Myrtle	3 to 4	4
Osmanthus ilicifolius	Gulfside Osmanthus	3 to 4	4
Photinia frazeri	Red Photinia	3 to 4	4
Pittosporum tobira	Pittosporum	3 to 4	4
Viburnum rhytidophyllum	Leather Leaf Viburnum	3 to 4	4

e. Recommended mid and upper-height plant material:

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANTING HEIGHT (FT)</b>	<b>SPACING (FT)</b>
Acer platanoides	Norway Maple	6 to 8	10
Gleditsia triacanthos var.	Thornless Honey Locust	6 to 8	10
Ilex opaca	American Holly	6 to 8	4
Pinus nigra	Austrian Pine	6 to 8	10
Pinus strobus	White Pine	6 to 8	10
Pinus thunbergi	Japanese Black Pine	6 to 8	10
Pyrus calleryana	Callery Pear	6 to 8	10
Thuja occidentalis pyramidalis	Pyramidal Arborvitae	4 to 5	6

- f. Planting should not encroach onto adjacent property.
- g. Existing vegetation suitable for use in compliance with the requirements of this category, when supplemented so as to provide planting and screening in accordance with the purpose and intent of this category should be utilized to fulfill planting requirements.
- h. The developer may substitute plant material other than those on the recommended list upon approval of the Administrator.
- i. The bufferyard shall be used only for the purpose of providing areas for required screening and separation, except that driveways or walkways providing site access may be installed across buffer areas.
- j. Plant material indigenous to the region are desirable and encouraged because of their xeriscape characteristics and adaptation to local site conditions.

3. Category III Landscaping

- a. Category III Landscaping shall consist of evergreen and deciduous plant material with minimum planting height of 3 to 6 feet with some reaching an ultimate mature height of 30 feet. The intent is to promote low, medium and tall landscaping to visually and physically separate uses. The effect of this category at maturity will be to form an informal evergreen hedge with additional deciduous trees. Planting can be either in a regular or an irregular line, allowing variation for the visual enhancement. Plant material from both d. and e. must be incorporated.
- b. The width of the buffers are set forth in the zoning Districts and Land Use Classifications.
- c. The width of the planting bed shall be 15 feet wide and run continuously for the length of the buffer and be contiguous to the District or Land Use Classification to be buffered.

d. Recommended low and mid-height plant material:

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANTING HEIGHT (FT)</b>	<b>SPACING (FT)</b>
Camellia japonica	Common Camellia	3 to 4	4
Cleyera japonica	Cleyera	3 to 4	4
Elaeagnus pungens	Thorny Elaeagnus	3 to 4	5
Euonymus patens	Euonymus	3 to 4	4
Ilex vomitoria	Yaupon Holly	3 to 4	4
Juniperus torulosa	Hollywood Juniper	3 to 4	3
Ligustrum japonicum	Ligustrum	4 to 5	4
Myrica cerifera	Southern Wax Myrtle	3 to 4	4
Osmanthus ilicifolius	Gulf-tide Osmanthus	3 to 4	4
Photinia frazeri	Red Photinia	3 to 4	4
Pittosporum tobira	Pittosporum	3 to 4	4
Viburnum rhytidophyllum	Leather Leaf Viburnum	3 to 4	4

e. Recommended mid and upper-height plant material:

<b>BOTANICAL NAME</b>	<b>COMMON NAME</b>	<b>PLANTING HEIGHT (FT)</b>	<b>SPACING (FT)</b>
Acer saccharum 'Columnare'	Columnar Sugar Maple	6 to 8	10
Fraxinus pennsylvanica var.	Green Ash Locust	6 to 8	10
Ilex opaca	American Holly	6 to 8	4
Magnolia grandiflora	Southern Magnolia	6 to 8	10
Pinus elliotii	Slash Pine	6 to 8	10
Pinus nigra	Austrian Pine	6 to 8	10
Pinus strobus	White Pine	6 to 8	10
Pinus thunbergii	Japanese Black Pine	6 to 8	10
Thuja occidentalis pyramidalis	Pyramidal Arborvitae	4 to 5	6

f. Planting should not encroach onto adjacent property.

- g. Existing vegetation suitable for use in compliance with the requirements of this category, when supplemented so as to provide planting and screening in accordance with the purpose and intent of this category should be utilized to fulfill planting requirements.
- h. The developer may substitute plant material other than those on the recommended list upon approval of the Administrator.
- i. The bufferyard shall be used only for the purpose of providing areas for required screening and separation, except that driveways or walkways providing site access may be installed across buffer areas.
- j. Plant material indigenous to the region are desirable and encouraged because of their xeriscape characteristics and adaptation to local site conditions.

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## APPENDIX B – OFF-STREET PARKING AND LOADING REQUIREMENTS

### A. PURPOSE

Areas suitable for parking and storing automobiles in off-street location shall hereafter be required in all Zoning Districts prior to issuance of an occupancy or model permit, regardless of whether a new use or a structural alteration or conversion in use requires more parking to serve that use. Such off-street parking areas shall have direct access to a street and shall be developed and maintained in accordance with the landscaping provisions of this ordinance.

### B. REQUIRED SPACES

The number of required off-street parking spaces shall be based upon the use or principal building on a lot as indicated below:

USE	PARKING SPACES REQUIRED	ADDITIONAL SPACES REQUIRED
<b>Residential Uses:</b>		
All Residential	2 per dwelling unit	
<b>Public and Semi-Public Uses:</b>		
Adult care and similar use	1 per 5 patient beds	Plus 1 per employee
Child care center, elementary or middle school	1 per 10 seats in main assembly room, or 1 per classroom, whichever is greatest	Plus 1 per employee
Church or other place of assembly	1 per 5 fixed seats or bench seating area in main assembly hall, or 5 per classroom, whichever is greatest	
Country club or golf club	1 per 5 members	Plus 1 per 2 employees
High school or institution of higher learning	1 per 4 seats in main assembly room, or 5 per classroom, whichever is greater	Plus 1 per 2 employees
Library, museum or similar use	1 per 500 sq.ft. of floor area (2 space minimum)	
Medical, dental and out-patient clinic	1 per 200 sq.ft. of floor area (4 space minimum)	
Place of assembly or recreation not containing fixed seats in main assembly area	1 per 100 sq.ft. of floor area in the main assembly rooms	
<b>Commercial Uses:</b>		
Automobile service station	1 per employee (5 space minimum)	Plus 1 per service bay
Bowling alley	3 per lane	
Fast food restaurant	1 per 100 sq.ft. of floor area	Plus 1 per 3 employees
Financial institution	1 per 200 sq.ft. of floor area	
Funeral home or mortuary	1 per 50 sq.ft. of floor space exclusive of storage and work area	

USE	PARKING SPACES REQUIRED	ADDITIONAL SPACES REQUIRED
<b>Commercial Uses (continued):</b>		
Furniture, appliance, equipment, automotive and boat sales	1 per 300 sq.ft. of retail floor area (3 space minimum)	
Office building	1 per 300 sq.ft. of floor area (4 space minimum)	
Restaurant	1 per 4 seats	Plus 1 per 3 employees
Retail business not otherwise listed	1 per 200 sq.ft. of floor area exclusive of storage (3 space minimum)	Plus 1 per employee
Shopping center	1 per 250 sq.ft. of floor area	
Theater, night club or similar place	1 per 4 seats	Plus 1 per 3 employees
<b>Lodging Uses:</b>		
Hotel restaurant	1 per 8 seats	Plus 1 per 3 employees
Hotel/Convention	1 per 250 sq.ft. of floor area in the main assembly room	
Hotel, motel or bed and breakfast	1 per sleeping room or suite	Plus 1 per 3 employees
<b>Wholesale and Industrial Uses:</b>		
Greenhouse or nursery	1 per 2 employees	Plus 5 spaces
Manufacturing, processing, research, testing laboratory, bottling, wholesaling, storage, warehousing, or similar business	1 per 2 employees	Plus 1 space per company vehicle operating from the premises

**C. APPLICATION OF PARKING REQUIREMENTS**

1. Location of Off-Street Parking Areas. All parking spaces required herein shall be located on the same zoning lot with the principal building or use or uses served.
2. Mixed Uses. Where more than one use occupies a zoning lot, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Where mixed uses occur, non-concurrently, the Administrator may reduce the number of required parking spaces to no less than the largest requirement of the various uses computed separately.
3. Change in Use, Alteration of Use, or Extension of Use. Whenever a building or use is changed or altered, the new use shall comply with the off-street parking requirements.
4. Requirements for Uses Not Specifically Listed. The number of parking spaces required for a use not specifically listed shall be the same as for a listed use of similar characteristics or parking demand as determined by the Administrator.
5. Number of Employees. The number of employees shall be based on the number of persons employed or expected to be employed on the zoning lot during the shift of greatest employment.

6. Fractional Requirements. Where the computed parking requirement results in a fractional space, the requirement shall be increased to the next whole number.

**D. AREA AND PAVING REQUIREMENTS**

1. Single Family and Duplex Dwelling Units
  - a. All parking and driveway areas shall be paved.
  - b. The paved driveways shall be large enough to accommodate parking requirements, exclusive of enclosed or covered parking space.
2. All Other Land Uses
  - a. Each off-street parking space shall be not less than 9 feet in width and 18 feet in length.
  - b. All off-street parking spaces and drive aisles shall be paved and striped.
  - c. No parking or maneuvering area shall be located in any street.
  - d. A scale drawing or layout of all required parking areas showing the location, size and arrangement of the individual parking spaces, loading spaces, and landscaped areas shall be submitted for approval
  - e. Minimum aisle width required for parking areas shall be according to the following table:

<b>PARKING ANGLE (in degrees)</b>	<b>AISLE WIDTH (in feet)</b>
0 to 44	12.0
45 to 59	13.5
60 to 69	18.5
70 to 79	19.5
80 to 89	21.0
90	22.0

- f. Off-street parking requirements for handicapped persons shall be in accordance with the following table:

<b>TOTAL PARKING SPACES IN LOT</b>	<b>HANDICAP ACCESSIBLE SPACES REQUIRED</b>
5 to 50	1
51 to 100	2
101 to 200	3
Over 201	3 Plus 1% of spaces in excess of 201

Parking spaces for disabled persons shall have a minimum dimension of 8 feet by 18 feet, and have an adjacent access aisle with a minimum dimension of 5 feet in width. Such

parking access aisles shall be conveniently located to the building or facility entrance. Two such accessible parking spaces may share a common access aisle. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall have the lower edge of the sign no lower than 4 feet above grade.

#### **E. LANDSCAPE CRITERIA**

1. Landscaped Area. For all parking lots of 6 or more spaces, the area to be landscaped shall be no less than 12% of the total parking lot area. This amount of land shall be devoted to vegetative landscaping, which includes trees, shrubs, grass, ground covers and other plants.
2. Screening. All parking lots and vehicular use areas, exclusive of vehicular access points, shall be screened from all abutting properties or rights-of-way by providing the following within no less than 20 feet of the outside perimeter of the parking lot or vehicular use area:
  - a. A hedge installed at a height of 24 inches and reaching a height of no less than 30 inches after the first growing season. The hedge shall be maintained at a minimum height of 30 inches.
  - b. Shade trees shall be installed at 25 feet on center. Said trees shall be a minimum of 10 feet in height with a 2 and 1/2 inch caliber at 4 feet above finish grade.
  - c. Plant material selection shall be from the recommended list for Category III Landscaping, Appendix A.
3. Interior Landscaping. Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. A maximum of 12 parking spaces in a row will be permitted without a planter island, however, this section may be modified by the Administrator when strict application will seriously limit the function of an area.

Planter islands shall have a minimum of 100 square feet in area and shall contain at least one tree having a minimum clear trunk of 5 feet and a minimum overall height of 10 feet. The remainder shall be landscaped with shrubs, groundcover, or other approved material.

Each parking area must have planted borders not less than 5 feet in width parallel to neighboring property and right-of-way lines. These planted border areas must have at least one tree (having a minimum clear trunk of 5 feet and a minimum height of 1- feet for each 30 linear feet of the border area). The remainder shall be landscaped with shrubs, ground cover or other approved materials. These border areas are in addition to bufferyard requirements.

Landscaped border areas may be interrupted to provide ingress and egress drives for the property.

4. Existing Plant Material. When feasible, the natural landscape shall be preserved according to the provisions of this PUD. Existing trees and shrubs located on the portion of the site requiring landscaping may be credited against the landscape requirements of this PUD. Where plant material exists on that portion of the site to be landscaped, the above mentioned standards may be substituted for such plant material, if in the opinion of the Administrator; such adjustment is in the beat interests of the town and preserves the intent of this PUD.

#### **F. LIGHTING**

Parking lots and vehicular use areas shall be lighted; however, such shall not illuminate, nor cast glare into neighboring properties. Lighting fixtures shall be part fo the overall project design and contribute to the landscaping effect.

**G. JOINT USE OF OFF-STREET PARKING AREAS**

Two or more principal uses on separate zoning lots may utilize a common parking area in order to comply with off-street parking requirements, provided that:

1. The total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed.
2. The parking lot shall not be further than 300 feet from the main entrance of the principal building.
3. Provided that where such space is not located on the same lot as the principal use or uses, the owner of said lot relinquishes through a recorded agreement with the Town, his development rights over the property until such time as parking space is provided elsewhere or on the same premises as the principal use or uses.

**H. OFF-STREET LOADING AREA REQUIRED**

Areas suitable for loading and unloading motor vehicles in off-street locations and specifically designated for this purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used or arranged to be used for commercial, industrial, governmental, or multi-family residential purpose. Such off-street loading areas shall have access to a public or private street and shall be provided and maintained in accordance with the following requirements. The off-street loading requirements shall be in addition to the off-street parking requirements.

**I. NUMBER OF OFF-STREET LOADING SPACES REQUIRED**

The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the following:

USES	FLOOR AREA (in 1,000 sq.ft.)	LOADING SPACES REQUIRED
Restaurants, retail stores, wholesale houses, warehouses, repair, manufacturing, or industrial service establishments	2 to 10	1
	10 to 20	2
	20 to 40	3
	40 to 60	4 Plus 1 per each additional 50,000 sq.ft. over 60,000
Hotel, motel, bed and breakfast, hospital, school or similar institution, and places of public assembly	5 to 10	1
	10 to 50	2
	50 to 100	3 Plus 1 per each additional 100,000 sq.ft. over 100,000
Funeral Home or mortuary	2 to 4	1
	4 to 6	2 Plus 1 per each additional 10,000 sq.ft. over 6,000
Office or office building	20 to 50	1
	50 to 100	2 Plus 1 per each additional 100,000 sq.ft. over 100,000

**J. AMOUNT OF AREA REQUIRED FOR EACH LOADING SPACE**

Each off-street loading space required by this ordinance shall be at least 12 feet wide, 40 feet long and 14 feet high. Such space shall be clear and free of obstruction at all time.

**K. LOCATION OF OFF-STREET LOADING AREAS**

Required off-street loading areas shall be located on the same zoning lot as the structure they are intended to serve. In no case shall the required off-street loading space be considered part of the area provided to satisfy off-street parking requirements as listed herein.

**L. ADEQUACY OF LOADING AREAS**

All uses, whether specified in this ordinance or not, shall provide off-street loading areas sufficient for their requirements. Such space shall be adequate so that no vehicle being loaded or unloaded in connection with normal operations shall stand in or project into a street right-of-way or pedestrian walkway.

**M. CONDITIONAL USES REQUIREING LOADING AREAS**

Parking requirements for conditional uses shall be established at the time of issuance of the conditional use permit.