

ARTICLE I. ADMINISTRATION

DIVISION 1. IN GENERAL

Sec. 130-1. Purpose and legislative authority.

This chapter is adopted for the purpose of protecting and promoting the public health, safety, and general welfare in the City and accomplishing the goals, objectives, and strategies of the Comprehensive Plan. The chapter is established in accordance with the requirements of Code of Virginia, §§15.2-2283 and 15.2-2286.

Sec. 130-2. Severability, repeal of conflicting ordinances, and effective date.

- (a) This chapter and the various parts, sections, subsections, and clauses thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is provided that the application of such portion of the chapter to other property, buildings or structures shall not be affected thereby. Whenever any condition or limitation is included for a special use permit, variance, zoning certification or permit, rezoning, certificate of use or occupancy, or site plan or subdivision approval, it shall be conclusively presumed that the authorizing officer, board, or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some requirement hereof, and to protect the public health, safety, and welfare, and that the officer, board, or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.
- (b) The Zoning Ordinance of the City of Manassas was adopted on June 15, 1999, with the adoption of Chapter 130 of the Code of Manassas and the repeal of the prior Zoning Ordinance.
- (c) The amendment of this chapter shall not be construed as abating any legal action pending as of the date of amendment under, or by virtue of, the prior existing Zoning Ordinance, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or requirement existing on the date of amendment of this chapter or as vacating or annulling any rights obtained by any person, by lawful action of the City, except as specifically provided for in this chapter.
- (d) Except as may be otherwise provided upon adoption, all requirements of this chapter shall apply to every application for any permit, approval, or other decision pending upon the date of amendment of this chapter, unless the landowner secures a determination of development rights, or has been determined to be vested by the final order of a court of competent jurisdiction, under requirements repealed upon the adoption of this chapter.

- (e) The amendment of this chapter does not affect the zoning classification of any property under the Zoning Map of the prior Zoning Ordinance, as amended, except as provided by the ordinance amending this chapter, or by ordinance adopted concurrently therewith.

Sec. 130-3. Relationship to other laws.

Whenever requirements imposed by this chapter are either more or less restrictive than requirements imposed by any governmental authority through legislation, rule, or regulation, the requirements which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other requirement of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation. If any section of this chapter incorporates by reference any state statute or regulation, then the ordinance incorporates future amendments to the statute or regulation.

Sec. 130-4. Conflicts with the design and construction standards manual (DCSM).

Notwithstanding §130-3, whenever any requirement regarding zoning imposed by this chapter is in conflict with the requirements of the Design and Construction Standards Manual (DCSM), this chapter shall control. The DCSM shall be the primary regulating document for all technical requirements relating to construction standards for materials and design, plan processing, and waiver of those technical requirements as provided for within the DCSM.

Sec. 130-5. General prohibitory abuse.

- (a) On and after June 15, 1999, no building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be used, designed or arranged to be used for any purpose other than as included among the uses listed in the following articles as permitted in the district in which such building or land is located, nor in any manner contrary to any other requirements specified in this chapter, as amended.
- (b) The requirements listed in the following articles for each district are adopted and prescribed for each district and, unless otherwise noted, shall be deemed to be the minimum requirements in every instance of their application, subject to the requirements of other articles of this chapter.

Sec. 130-6. Districts established.

The incorporated territory of the City is divided into zoning districts as set forth and indicated on a map entitled "Zoning Map". The official Zoning Map, properly identified and dated, is adopted as a part of this chapter insofar as it indicates such designations, locations and boundaries, and the same shall be deemed to be as much a part of this chapter as if the information set forth on such map were fully described and incorporated in this chapter.

Sec. 130-7. Zoning Administrator appointment and duties.

- (a) The City Manager shall appoint a Zoning Administrator to interpret, administer, and enforce the requirements of this chapter. The Zoning Administrator may designate a Deputy Zoning Administrator or other designees to assist in these duties.
- (b) The Zoning Administrator shall be responsible for the interpretation and administration of this chapter and for investigating all complaints of violations of this chapter, and shall have all necessary authority on behalf of the City to enforce this chapter to ensure compliance herewith, including the issuance of violation notices, injunctions, abatement, or other appropriate legal proceeding.
- (c) The Zoning Administrator shall issue all permits required to be issued by this chapter, including Zoning Certifications issued pursuant to §130-63.
- (d) The Zoning Administrator shall issue written zoning verifications for specific parcels, including verifications of nonconforming uses, structures, or lots, upon a written request and payment of a filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended.
- (e) The Zoning Administrator shall issue written interpretations of this chapter and the Zoning Map (see also §130-9), upon a written request and payment of a filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended. This shall include determinations of vested rights issued pursuant to §130-166.
- (f) Any written notice of a zoning violation or a written order, verification, certification or interpretation of the Zoning Administrator shall inform the recipient of the right to appeal in accordance with the requirements of the state code and this chapter. It shall also state that the Zoning Administrator's decision shall be final and unappealable if not appealed within 30 calendar days.

Sec. 130-8. Zoning map.

The official Zoning Map serves at the time of adoption of the ordinance from which this chapter is derived as the best and most practical implementation of land use objectives of the City and supersedes all Zoning Maps in existence at the time of enactment of this chapter. The official Zoning Map shall be identified to include the official map, rezoning case files as created in the rezoning of specific land area, and proffered conditions included in the official zoning proffer book.

Sec. 130-9. Interpretation of the zoning map and proffer conditions.

- (a) Where, due to the scale, lack of detail, or illegibility of the official Zoning Map or the absence of a metes and bounds description in the adopting ordinance or where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of the

map, upon written request of any person and payment of a filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Zoning Appeals (BZA). The Zoning Administrator, and the BZA, in interpreting the Zoning Map or deciding any appeal, shall apply the following standards:

- (1) Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of alleys, streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the Zoning Map and included in a metes and bounds description attached thereto and made a part thereof.
 - (2) Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 - (3) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by the metes and bounds dimensions shown on the Zoning Map, shall be determined by the use of the map scale shown thereon.
 - (4) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of the property and the history of Zoning Ordinances and amendments in the City as well as all other relevant facts.
- (b) Where there is any uncertainty, contradiction, or conflict as to the intended application of any proffer associated with a zoning amendment, the Zoning Administrator shall make an interpretation of such proffer upon written request of any person and payment of a filing fee in accordance with a fee schedule established by an uncodified ordinance enacted by the City Council, as amended. Any person aggrieved by any such interpretation may appeal such interpretation to the City Council.

Sec. 130-10. Temporary application of chapter to property coming into territorial jurisdiction of city.

- (a) Whenever property shall be added to the territorial jurisdiction of the City by annexation or otherwise, and pending the orderly amendment of this chapter to apply thereto, to assure stability, continuity, compatibility, and orderly transition, the temporary application of this chapter to such property shall be in accordance with existing districts within this chapter. Based on the size of the parcel and the current use, the following zoning districts shall be assigned:
- (1) R-1, low-density, single-family residential. Any parcel greater than one acre and either vacant or used primarily for residential purposes.

- (2) R-2, moderate density, single-family residential. Any parcel one acre or less in size and either vacant or used primarily for residential purposes.
 - (3) B-1, business office. Any parcel of any area used primarily for an office use.
 - (4) B-4, general commercial. Any parcel of any size used primarily for any commercial, assembly, or institutional use not otherwise specified in this section.
 - (5) I-1, light industrial. Any parcel of any size used primarily for a use permitted only in an industrial district, other than an airport related use.
 - (6) I-A, airport. Any parcel of any size used primarily for airport related use.
- (b) The City shall bring to the Planning Commission, within six months of addition of property to the territorial jurisdiction of the City, a proposed Zoning Map amendment consistent with the Comprehensive Plan.

Secs. 130-11—130-14. Reserved.

DIVISION 2. SITE PLANS

Sec. 130-15. Purpose and intent.

This division is adopted to establish requirements for site plan submission, review, and compliance with all City land development requirements. The purpose of a site plan is to ensure compliance with the applicable requirements of this chapter, the DCSM, and other applicable state laws. In addition, this division is adopted to identify specific development requirements considered by the City Council necessary to promote the welfare and safety of the City that may not otherwise be referenced in the DCSM. This division shall designate and establish the responsibilities of the City and other agencies for site plan processing, fee requirements, and review and approval. This division also is intended to provide a system to ensure compliance with approved site plans, including the requirements for performance and construction bonds, and to establish enforcement authority and penalties for violations of this article and the DCSM.

Sec. 130-16. Site plan prerequisite to issuance of permit.

- (a) No permit shall be issued authorizing the use, change of use, occupancy, construction, improvement, or repair of any land, building, or structure for which a site plan is required until a site plan has been approved; and no final certificate of use or occupancy shall be issued for use of any land, building, or structure until the City certifies that the development is in accordance with the approved site plan.
- (b) A site plan or site plan amendment is required for any new use and for all construction, reconstruction, additions, alterations, and changes of use of any property located in any zoning district, except:
 - (1) Any new use, change of use, or building alteration with an approved site plan where existing site improvements meet the requirements of this chapter;
 - (2) Any reconstruction, addition, or alteration to a single-family detached dwelling unit where the area of land disturbance is less than 1,200 square feet;
 - (3) Any reconstruction, addition, alteration, or construction of an accessory structure to a single-family detached dwelling unit where the area of land disturbance is less than 1,200 square feet; or
 - (4) Agricultural and silvicultural uses in the A-1 zoning district.

Sec. 130-17. Improvements required.

In order to ensure public safety, general welfare, and convenience, the following improvements shall be required and shown on all site plans and in accordance with all requirements of this chapter and the DCSM:

- (a) Provisions for safe and efficient traffic circulation and control on the site, off-street parking, and access to adjacent sites, sidewalks, and public rights-of-way.

- (b) Screening, fences, walls, or other vertical barriers.
- (c) Easements or rights-of-way for all facilities to be publicly maintained.
- (d) Dedication or reservation of land and construction of streets and service roads.
- (e) Utilities including, but not limited to, potable water, sanitary sewer, electric, and stormwater management systems.
- (f) Barriers and buffers to restrict vehicle encroachment on pedestrian travelways and lot lines.
- (g) Appropriate fire lanes and travelways to provide for emergency access to all occupied areas of the site.
- (h) Temporary and permanent erosion and sedimentation control measures.
- (i) Curbs, gutters, and sidewalks.
- (j) A landscape plan showing compliance with buffer, screening, tree canopy, and open space requirements of this chapter, showing the general location and type of heritage, memorial, or specimen trees as defined in City Code §122-31 located within the limits of the planned development area, and showing the planting or replacement of landscaping.
- (k) Adequate provisions for refuse disposal and screening of refuse collection areas.
- (l) Provisions for adequate site lighting.

Sec. 130-18. Site plans distinguished.

Site plans shall be classified as major site plans, minor site plans, or lot grading plans in accordance with the DCSM.

Sec. 130-19. Procedure for preparation and review of site plans.

Site plans or any portion thereof involving engineering, architecture, or land surveying shall be prepared and certified by the appropriate authorized professional as required under the DCSM. All site plans shall be processed and reviewed in conformance with the DCSM.

Sec. 130-20. Preliminary site plan.

At the discretion of the land owner or developer, whenever a proposed development involves the construction of new streets, water, or sewer lines, or where three or more lots or parcels of land are involved, a preliminary site plan may be submitted. Such plan shall be reviewed and approved in accordance with the DCSM.

Sec. 130-21. Fees required for filing of site plans.

At the time of filing of any site plan, a filing fee shall be paid in accordance with the fee schedule established by an uncodified ordinance enacted by the City Council, as amended.

Sec. 130-22. Agreement bond and fees.

- (a) Prior to issuance of permits for construction, the owner or developer shall execute an agreement to construct such required physical improvements as are located within public street rights-of-way or easements, or as connected to any public facility, in form and substance as approved by the City, together with a corporate surety bond acceptable to the City Attorney and processed for approval in accordance with the DCSM.
- (b) The City Council may elect to require the additional posting of other surety bonds for landscaping, private parking lot improvements, or other private on-site elements of a site plan, when it is deemed appropriate to ensure the improvements as required by this chapter are installed in a timely manner and are necessary for the public welfare of the community, or consistent with approved proffered development. Such bonds shall be processed in accordance with the bonding policy as outlined in the DCSM.
- (c) An Erosion Control Agreement and Bond shall also be provided as required by the erosion and sedimentation control ordinance, as codified in Chapter 58 of this Code, as amended, and the DCSM.

Sec. 130-23. Approval and extensions.

The approval of a site plan submitted under the requirements of this article shall expire five years after the date of such approval, unless:

- (a) Construction permits have been obtained in accordance therewith and all construction permits remain valid; or
- (b) A final occupancy permit is obtained in accordance with the DCSM certifying that the site has been developed in accordance with the approved site plan.

Sec. 130-24. As-built plans required.

As-built plans shall be submitted and approved by the City where required by the DCSM.

Sec. 130-25. Construction in accordance with site plan.

It shall be unlawful for any person to construct, erect, alter, or use any building or structure, or develop, change, or improve land for which a site plan is required, except in accordance with the approved site plan.

Sec. 130-26. Site plan revisions.

- (a) Any site plan may be revised or amended in the same manner as originally approved.
- (b) Before making any substantial change to the uses or improvements shown on an approved site plan, the applicant shall submit a revised site plan in accordance with the DCSM.

- (c) The City may administratively approve non-substantial revisions to an approved site plan if City requirements are not affected. The applicant shall be responsible for providing parking tabulations and other reports, or calculations necessary to show that the revisions are non-substantial.

Secs. 130-27—130-40. Reserved.