

### **Article III. Establishment of Zoning Districts, Official Zoning Map, and Use Regulations**

#### **Sec. 70- 11 Establishment and Enumeration of Districts.**

For the purposes of this chapter, the incorporated area of the town of New Market, Virginia is hereby divided into districts, which shall be designated as follows:

Low Density Residential, District R-1  
Medium Density Residential, District R-2  
Medium Density Residential, Main Corridor, District R-2A  
High Density Residential, District R-3  
General Business, District B-1  
Highway Corridor Business, District B-2  
Limited Industrial, District M-1  
Floodplain Conservation Overlay, District FC  
Historic Overlay, District HOD

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

#### **Sec. 70- 12 Incorporation of the Official Zoning Map**

The location and boundaries of the zoning districts established by this chapter are denoted and defined as shown on the map entitled “The Zoning Map of New Market”. The said map, with all notations, references, amendments and dates thereof, and other information shown thereon, is hereby incorporated into this chapter, together with all future notations, references and amendments.

This zoning map shall be designated as the “Official Zoning Map” for the town, and it shall be identified by the signatures of all members of the town council and attested to by the Town Clerk, together with the date of the adoption of this chapter.

The official zoning map shall be located permanently in the office of the zoning administrator and it shall be available for inspection and examination by the public at all reasonable times as are any other public records.

#### **Sec. 70- 13 Map Amendments**

If, in accordance with the provisions of Sec. 70- 188 of this chapter and the Code of the State of Virginia, as amended, changes are made in the district boundaries or other information portrayed on the official zoning map, such changes shall be entered on the official zoning map within ten (10) days after the amendment has been approved by the governing body. All changes shall be noted on the official zoning map by date, with a brief description of the nature of the change.

The official zoning map shall be the final authority in determining the current zoning status of land and water areas, buildings and other structures in the town, no changes of any nature shall be made in the official zoning map except in accordance with the procedures set forth herein.

#### Sec. 70- 14      Replacement of the Official Zoning Map

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or the number of changes and additions, the governing body shall adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. The new official zoning map shall be identified in the same manner as described in Sec. 70- 12 of this Article, along with the date of the adoption of the original official zoning map and the date of the adoption of the replacement map. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map, or any significant parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

#### Sec. 70- 15      Rules for Interpretation of District Boundaries

Unless district boundaries are fixed by dimensions or otherwise clearly shown or defined, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

- (a.) Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys or railroad main tracks, such centerlines or lines at right angles to such centerlines shall be construed to be such boundaries, as the case may be.
- (b.) Where a district boundary is indicated to follow a river, creek or branch, or other body of water, said boundary shall be construed as moving with the actual shoreline.
- (c.) Where the district boundaries are shown as following or closely following the corporate limits line of the town of New Market, such corporate limits shall be construed to be the district boundary.
- (d.) Where a street, road or alley or other public easement is officially vacated or abandoned, the district regulations applicable to the property to which it is reverted shall apply to such vacated land.
- (e.) If no distance, angle, curvature, description or other means is given to determine a boundary line accurately, and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the official zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals, which shall determine the boundary in accordance with the provisions of Article XIX. of this chapter.

#### Sec. 70- 16      Unzoned Land.

- (a.) Any land which may be hereafter brought into the corporate boundaries without a zoning classification shall be given such classification within three (3) months from the date that said land is brought into the town. After joint public hearing and notification, in accordance with Sec. 70- 188 of this chapter, the planning commission shall recommend, and the town council assign a zoning district classification to said land.

- (b.) Until such time as a zoning classification is assigned, any unzoned land within the corporate boundaries may be used only as permitted by the most restrictive residential zoning classification (including Floodplain Conservation District regulations where applicable), as set forth in this chapter.

Sec. 70- 17 Scope of Regulations.

The regulations established herein within each district include specific limitations on the use of land and structures, height and bulk of structures, density of population, lot area, yard dimensions, and area of lot can be covered by structures.

(a.) Permitted Uses

A permitted use is one which is allowed by right in the district in which the land is located. No use shall be allowed unless the use is specifically listed in the “Permitted Uses” section of the applicable district regulations. Where the proposed use is permitted and is in accordance with all other regulations herein, the use shall be permitted by the zoning administrator without a public hearing.

(b.) Conditional Uses

A conditional use is one which may be allowed when the town council, in accordance with the provisions of Article XV, of this chapter, find as a fact that the proposed use or uses are consistent with the Comprehensive Plan and the policies of the town, the standards of this chapter, and the public interest. No conditional use shall be permitted unless the use is specifically listed in the “Permitted Uses with a Conditional Use Permit” section of the applicable district regulations. A conditional use permit will be issued by the zoning administrator after such conditional use has been approved by the town council.

(c.) Prohibited Uses

1. For the purposes of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed in an individual district are prohibited in that district. Persons desiring inclusion in this chapter of a use not specifically permitted shall apply for an amendment to the text of this chapter, in accordance with the provisions of Sec. 70- 187 and Sec. 70- 188.
2. The following uses are prohibited uses in all zoning districts within the Town of New Market: automobile graveyards; junk yards; landfills; waste incinerators; tire dumps; abattoirs; rendering plants; body-piercing salons; tattoo parlors; boarding houses; and rooming houses/lodging houses.
3. In addition to those uses which are prohibited in all districts, other uses may be prohibited specifically or by inference in individual district regulations.

(d.) Uses Not Provided for in this Chapter

In the event there is not a particular use listed anywhere in this chapter which describes a specific land use, and an application is made to the zoning administrator for such use, the

administrator shall refer the application to the planning commission. The planning commission shall consider, among other relevant matters, traffic generation, intensity of development and hours of operations of the proposed use in comparison to specifically named uses within this chapter, and any applicable criteria set forth in the Comprehensive Plan. After public notice, the planning commission and the town council shall hold a joint public hearing, as provided by law. Within sixty (60) days of such hearing, the planning commission shall forward to the town council its recommendation for interpretation of this chapter regarding the use, and whether it is a permitted use, conditional use, or prohibited use within each of the zoning districts, or that the use should be prohibited in all zoning districts. The town council shall thereafter take such action as it deems appropriate, in accordance with the provisions of Sec. 70- 188 of this chapter. In the event that any use is determined to be a prohibited use, a record of the reasons given for the decision shall be kept on file and shall be used as a guideline for subsequent use determinations.

Sec. 70- 18      Compliance with Article.

Except as provided in this Article:

- (a.)      The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class of structure or land.
- (b.)      No building or land shall hereafter be used or occupied, and no building or structure or parts thereof shall be erected, constructed, assembled, moved, enlarged or structurally altered except in conformity with the regulations specified in this chapter for the district in which it is or is to be located.
- (c.)      No new lots or yards shall hereafter be created, nor shall any lot or yard existing at the time of the adoption of this chapter be altered, nor shall any building or structure, whether new or existing, be moved so that the lot width, depth or area requirements, front, side or rear yard requirements, or other requirements of this chapter are not maintained.

Sec. 70-18.1 Only One Main Use and Building Permitted

Unless otherwise provided elsewhere in this chapter, only one main use and one main building may exist upon any lot or parcel of land in every zoning district.