



*Town Manager*

Eric S. Pollitt

*Town Treasurer*

Tina F. Brock

*Town Clerk*

Patsy K. Scates

*Chief of Police*

Thomas D. Carter

*Town Attorney*

M. Tolley Gwinn

## TOWN OF TAPPAHANNOCK

*P. O. Box 266*

*Tappahannock, Virginia 22560*

*(804) 443-3336 Fax (804) 443-1051*

[www.tappahannock-va.gov](http://www.tappahannock-va.gov)

*Mayor*

Roy M. Gladding

*Town Council*

Troy L. Balderson

Katherine B. Carlton

A. Fleet Dillard III

Kenneth A. Gillis

Carolyn Barrett

Anita Latane

### **Tappahannock Town Council Meeting**

**Tuesday, November 12, 2024**

**7:00 p.m.**

**Tappahannock Municipal Building**

**915 Church Lane**

**Tappahannock, Virginia 22560**

***Please find the following enclosed:***

1. Agenda
2. Agenda Notes
3. Minutes
  - October 15, 2024 Work Session
  - October 15, 2024 Regular Meeting Minutes
4. Water and Sewer Report
5. Public Facilities Report
6. Financial Reports
7. Town Manager Report
8. Community Development Report
9. Tappahannock Police Department Report
10. Mural Ordinance Documents
11. Short Term Rental Draft Documents
12. Traffic Study
13. Join Regional Tax Board Memo
14. Cigarette Tax Rate Increase Memo



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### TOWN OF TAPPAHANNOCK COUNCIL

#### AGENDA

**TUESDAY, NOVEMBER 12, 2024**

**7:00 p.m.**

**TAPPAHANNOCK MUNICIPAL BUILDING**

**915 CHURCH LANE**

**TAPPAHANNOCK, VIRGINIA 22560**

#### **7:00 p.m. JOINT PUBLIC HEARING**

A Joint Public Hearing will be held with the Tappahannock Town Council and the Tappahannock Planning Commission on Tuesday, November 12, 2024, to consider the adoption of the following:

#### **An amendment to the Tappahannock Zoning Ordinance:**

To amend the Tappahannock Zoning Ordinance Article XI Supplementary Use Regulations, to add Sec. 22-147.2 Mural Art and amend Article X, Sec. 22-125 to update the permissible use table to include mural art. This amendment proposes to establish the zoning districts mural art is permitted as a matter of right, special exception or via a Historic Overlay Zoning permit as well as regulations governing mural art.

#### **Regular Council Meeting will begin immediately following the adjournment of the Joint Public Hearing:**

1. Call to order
2. Welcome Visitors
3. Reading and Approval of the October 15, 2024, Council Work Session Meeting Minutes and the October 15, 2024, Regular Council Meeting Minutes
4. **Committee Reports**
  - a. Water/Sewer – Gillis
  - b. Public Facilities – Balderson
  - c. Historic Downtown Tappahannock – Latane
  - d. Finance – Latane
- 4.1. Approval of the financial report for the month of October 2024
- 4.2. Town Manager Report
- 4.3. Community Development Report
- 4.4. Tappahannock Police Department

5.0. New Business

5.1. **Mural Ordinance**

Council should consider to amend the Tappahannock Zoning Ordinance Article XI Supplementary Use Regulations, to add Sec. 22-147.2 Mural Art and amend Article X, Sec. 22-125 to update the permissible use table to include mural art. This amendment proposes to establish the zoning districts mural art is permitted as a matter of right, special exception or via a Historic Overlay Zoning permit as well as regulations governing mural art.

5.2. **Short Term Rental Draft Documents**

Council should consider the draft of the Short Term Rental documents for a Joint Public Hearing at the December Council Meeting.

5.3. **Food Truck**

Council should consider having the Planning Commission review the current food truck permit policy and consider creating language in the Zoning Ordinance regarding the operations of a Food Truck within the Town of Tappahannock

5.4. **Traffic Study**

Altumin & Company would like to address the council members about a traffic study on Rt. 17 and Airport Road

5.5. **Town of Tappahannock to Join Regional Tax Board**

Jerry W. Davis, AICP, Executive Director Northern Neck Planning District Commission would like to discuss the benefits of the Town of Tappahannock joining the Regional Tax Board.

5.6. **Discussion of Cigarette Tax Rate Increase**

Town Treasurer Brock would like to discuss increasing the cigarette tax rates



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TO: Mayor, Vice Mayor and Council Members  
DATE: November 8, 2024  
REFERENCE: Agenda Notes

I was asked to provide you with some guidance when making a motion.

I have listed the agenda items below that require a motion. If it is Council's wishes to make a motion, then please make the motion as follows:

- **Agenda Item 3 – Reading and approval of the minutes**
  - October 15, 2024 Work Session Meeting Minutes
  - October 15, 2024 Regular Council Meeting Minutes

I move to approve the October 15, 2024, Work Session meeting minutes and the October 15, 2024, Regular Council meeting minutes.

- **Agenda Item 4.1. – Approval of the Financial report for the month of October 2024.**

I move to approve the financial report for the month of October 2024

- **Agenda Item 5.1. – Mural Ordinance**

I move as recommended by the Tappahannock Planning Commission to amend the Tappahannock Zoning Ordinance Article XI Supplementary Use Regulations, to add Sec. 22-147.2 Mural Art and amend Article X, Sec. 22-125 to update the permissible use table to include mural art as presented.

- **Agenda Item 5.2. Short Term Rental Draft Documents**

I move the Town Council to set a Joint Public Hearing for December 9, 2024 with the Tappahannock Planning Commission to consider the Short-Term Rental Zoning amendment.

- **Agenda Item 5.3. – Food Truck**

I move to have the Planning Commission review the current food truck permit policy and consider creating language in the Zoning Ordinance regarding the operations of a Food Truck within the Town of Tappahannock

**TAPPAHANNOCK TOWN COUNCIL  
WORK SESSION MEETING  
OCTOBER 15, 2024  
6:00 p.m.**

**Present**

Mayor:	Roy M. Gladding
Vice Mayor:	Anita J. Latane
Council Members:	Kay Carlton Carolyn Barrett Fleet Dillard Kenneth A. Gillis Troy L. Balderson
Town Manager:	Eric S. Pollitt
Assistant Town Manager:	James Knighton
Town Clerk:	Patsy K. Scates
Town Attorney:	M. Tolley Gwinn ( <i>arrived late</i> )

**Absent**

Chief of Police: Thomas Carter

**Visitors:**

Tim Dean	Emily Strippler
Mel Hopskins	Kelsey White
Joe Sauders	

- **CALLED TO ORDER**

Mayor Gladding called the meeting to order.

- **OLD AIRPORT REDEVELOPMENT**

Tim Dean, TRC/Draper Aden stated he was present tonight to update the council members on the Old Airport property redevelopment.

Tim Dean during the years 2019-2022 the Virginia Economic Development Partnership developed a program to promote industrial development across the state. He stated there are Tier Levels 1-5 for the readiness of a site to be developed for industrial type use. He stated back in 2019-2022 they got the site Tier 3 ready and now they are going into Tier 4 which is engineering planning which would be getting the site ready for construction within the next 12 to 18 months. He stated they are now getting ready for infrastructure design such as roadways, water, sewer, and stormwater management. He stated this means the site will be ready for construction.

Tim Dean stated the old airport property was broken down into four potential sites (A, B,C,& D). He stated site C is the O'Malley Lumber site; Site D is part recreational center and part animal shelter but their focus for the infrastructure is for site A and B.

Tim Dean stated the site is about one hundred and fifty (150) and he discussed the issues with the entrances. He reviewed a power point presentation that showed the proposed design of the roadway's entrances, proposed stormwater management, gravity sewer, force water main, and pumpstation. He stated he and the Town Manager Pollitt have been working with the Essex County about school bus facility expansion and he showed the proposed areas that would allow them for the expansion. He stated that would give them about two acres of land for them to expand while still respecting where the roadway will be placed for the industrial parks. He stated the school is working on layout and plans, but they are not that far along. He stated they are trying to provide another connection on Commerce Road and give the schools a cut through road that would avoid the force mains utilities and would give an intersection to the main road.

Council Member Dillard expressed his surprise that Essex County School Board does not have a plat prepared.

Tim Dean stated Essex County has been provided with the plan for a right of way and where the roadway will go. He stated they are not preparing the plat for Essex County, but he feels they should have the information they need to create the plat.

There was some discussion.

Council Member Dillard asked if TRC/Draper Aden was waiting on a plat from Essex County School Board and their surveyors.

Town Manager Pollitt stated that was correct.

Mayor Gladding asked if the runway was going to be used or torn up.

Tim Dean stated the runway would be torn up. He stated that once the material is tested for chemicals and it's okay to use, then it may be crushed up and used as base material for under the roadway.

There was some discussion regarding maximizing the use of the area of land at the airport for the construction of buildings because it's flat and clear and ready for development.

Council Member Dillard asked what the next steps were.

Tim Dean stated that once the plans are finalized then they will be submitted to the Town of Tappahannock for official site plan review and once approved that it meets all Town and State requirements, then it would be ready to be put out for a construction bid.

Council Member Dillard stated there has been discussion about relocating the Rescue Squad to Airport Road beside the TEVFD and asked how that would factor in.

Council Member Balderson stated there has been discussion the TEVFD may add on to the right of the building if you're looking at it from the front to accommodate the Rescue Squad's relocation.

Tim Dean stated there is a lot of flexibility because of the amount of open land space available.

Town Manager Pollitt stated for the next steps the Town has reached out to a Consulting Firm to help do an economic impact analysis. He stated the plans presented tonight were shared with the consulting firm to have them run analysis to determine how new construction would impact the tax base and economy.

Mayor Gladding thanked Tim Dean for the presentation.

- **510 ARCHITECTS CENTRAL PARK IMPLEMENTION PLAN**

Joe Saunders from 510 Architects reviewed a power point presentation with the Town Council that discussed Phase 2 of the Central Park Project. He showed proposed renderings of entertainment, picnic and main pavilions, landscaping, and storage and electrical buildings, improvements to the historic shed/cookhouse.

Joe Saunders reviewed with the council members a breakdown of budget, but he did not have copies available for the council members, but he indicated that he will send it to Town Pollitt so he could share with the council members.

Joe Saunders stated he feels the priority should be the restrooms. He feels it is important to get the permit and a set of drawings to Essex County before the first of the year because of the ADA code changes in the year 2025.

There was some discussion regarding the size and number of restrooms and the ADA requirements.

Town Manager Pollitt stated the next steps is to come up with a funding plan and getting the plans submitted to Essex County before the first of the year, so the Town does not have to do modifications to the plans because of the ADH code change requirements.

There was some discussion regarding getting the Central Park plans submitted to Essex County Building Officials office no later than January 1, 2025.

Mayor Gladding asked if Town Manager Pollitt would have the final plans and figures for the Council Members review by the November or December Council Meeting.

Town Manager Pollitt stated the council members were provided with a copy of the conceptional plans at a previous meeting, once those plans are submitted to Essex County for review then if Essex County has some changes they can get back to the Town. He stated once it is approved by Essex County then he should be able to provide information about funding.

Mayor Gladding asked for any further comments.

There being no further business, the meeting was adjourned at 6:50 p.m.

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**Roy M. Gladding, Mayor**

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**Patsy K. Scates, Town Clerk**

**TAPPAHANNOCK TOWN COUNCIL MEETING  
OCTOBER 15, 2024  
7:00 P.M.**

**PRESENT**

Mayor:	Roy M. Gladding
Vice Mayor:	Anita J. Latane
Council Members:	Kay Carlton
	Carolyn Barrett
	Fleet Dillard
	Kenneth Gillis
	Troy L. Balderson
Town Manager:	Eric S. Pollitt
Assistant Town Manager:	James Knighton
Town Clerk:	Patsy K. Scates
Town Attorney:	M. Tolley Gwinn
Chief of Police:	Thomas Carter

**VISITORS**

Jovita Kelly, Historic Downtown Main Street  
Delegate Keith Hodges

• **CALLED TO ORDER**

Mayor Gladding called the meeting to order.

• **MINUTES APPROVED**

On motion of Kenneth A. Gillis, seconded by Anita J. Latane, Council voted unanimously to approve the September 9, 2024, Public Hearing Meeting Minutes and the September 9, 2024 Council Meeting Minutes.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

• **COMMITTEE REPORTS**

- *Water and Sewer*

**Wastewater Treatment Plant  
Month of September 2024**

**September 2024**

-Treatment plant had an average daily Final Effluent flow of .349MGD with a total of 10,467,000 million gallons discharged.

- All nutrient results for the month of September are within our permit required limits.
- September DMR will be completed and submitted before October 10<sup>th</sup>.
- August plant switch over is still running smooth, with no issues to report.
- Plant had a minor disruption with process, a RAS flow meter stopped working, and repairs needed / repairs are complete and unit is operating normally.
- One of the main generators needed to be repaired, repairs have been done and unit is working properly.
- Nothing to report for water, J.B. is in control of water as of September, if J.B. needs assistance with water we will help if needed.
- Transition of Adam leaving and I taking over has gone very smoothly, I see everything running smoothly from here on out.

**Public Works  
Month of September 2024**

The Maintenance Superintendent does not have anything to report for the month of September 2024.

Mayor Gladding asked Council Member Gillis if he had anything to add to the report.

Council Member Gillis did not have anything to add.

- *Public Facilities*

Mayor Gladding recognized Council Member Balderson.

Council Member Balderson stated he did not have anything to report.

- *Historic Downtown Tappahannock*

Jovita Kelly, Historic Downtown Tappahannock informed the Council members about the upcoming events. She stated the Historic Downtown Tappahannock is getting ready to purchase (with grant funds) a kiosk to be located in Central Park once they get the okay from Town Manager Pollitt.

- *Finance*

Vice Mayor Latane stated she met with Town Manager Pollitt and reviewed the financial reports, and we are in good financial shape.

- **FINANCIAL REPORT APPROVED FOR MONTH OF SEPTEMBER 2024**

On motion of Carolyn Barrett, seconded by Kay Carlton, Council voted unanimously to approve the financial report for the month of September 2024.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **DELEGATE KEITH HODGES**

Mayor Gladding recognized Delegate Keith Hodges.

Delegate Keith Hodges thanked the council members for their hard work. He reported we are now considered the 68<sup>th</sup> District in the general assembly. He discussed the budget, bills and resolutions that were introduced in the general assembly. He discussed the need for opportunities for high paying jobs for the folks in the area. He reported the blue catfish is the number one threat to the Chesapeake Bay because they will eat anything such as shad fish, rockfish, crabs, crabs, musk rats and ducks. He reported he created the Governors Opportunity Catfish fund to help decrease the population of the blue catfish in the river by selling the blue catfish to be consumed because it is delicious fish.

Delegate Keith Hodges discussed the living shoreline, dredging and permitting issues with State agencies, and solar panels issues.

Delegate Keith Hodges asked for any questions.

Mayor Gladding thanked Delegate Hodges for updating the council members.

- *Town Manager Report*

### **Town Manager Report 10/15/2024**

#### **Strategic Objectives Next 6 Months for Year 2024**

1. Complete architectural plans for structures at Central Park.
2. Start construction for Phase 1 of Hoskins Creek.
3. Finish Industrial Park design and engineering. (identify funding and implementation options)
4. Complete water system mapping project.
5. Finalize Phase 2 engineering of sewer project and identify funding sources.

#### **Ongoing Major Council Initiative Projects**

1. Central Park Project – The park playground is now open. Staff are working with architects to complete the restroom and pavilion structure plans before the end of the year.
2. Water System Mapping – Staff are working with CHA Solutions on a small list of outstanding questions to close out the grant later this month. The map will continue to be updated with more detail even after the grant is closed out.
3. Hoskins Creek
  - i. Boating Infrastructure Grant (BIG Grant) –The Town finally received a notice of award for us to proceed with permitting and design, but not construction. This is still great news. Now these expenses will become eligible for reimbursement through the grant.

- ii. Shoreline Restoration – Construction started October 7<sup>th</sup>. The substantial infrastructure aspects of the project are anticipated to take 45 days to complete. Wetland plantings will be installed either before winter or early next spring.
- iii. Rec. Access Rd. – VDOT staff will be reviewing the road plans this month. The total amount of time it will take for review is estimated to be 45 days.

5. Old Airport Development

- i. Site Design VEDP – TRC Engineers will attend the October Council meeting to discuss the site and potential implementation options. When to start construction of the property will be discussed at the upcoming Council Retreat in October.

**Other Initiatives in Progress**

1. The Fall Retreat will focus on goal setting for the years 2025-2026. The date of Wednesday October 30<sup>th</sup> has been selected. The retreat will start at 5pm and last until 9pm. Retired Manager/Administrator Kim Payne from the Berkley Group will be facilitating the retreat.
2. Tourism Program – Staff has updated the events page on the visitappahannock.com website.
3. Fleet Management – A new pump truck will be purchased for the General Services Department. Purchase and financing documents will be presented in October to the Council.
4. Sewer Rehab Phase 2 Project – CHA is drafting a Phase 2 report for our sewer infrastructure needs. This will include a variety of upgrades such as completing the lining and manhole work for downtown, and pump station repairs with electrical upgrades. Engineering design is anticipated to be finished in 2025 and construction for the next phase to start in 2026.
5. River realm – Staff met with Virginia’s River Realm participants in late August. Staff are waiting for an agreement to be reviewed and approved.
6. Town Code and Zoning Text Updates – Staff will begin working on updates to our zoning text and sections of Town Code. We will aim to have these changes adopted at one public meeting.
  - o *Community Development Report*

**Monthly Report – September 2024**  
**Community Development and Zoning Administration**

**PLANNING COMMISSION (PC)**

- The PC monthly meeting was held on October 2, 2024.
- The Commission is continuing their work on updates to the Short Term Rental and Mural Ordinance. Public hearings will be scheduled on these items in the coming months.
- Draft mural ordinance was presented to the PC in September and is included in your Council Packets for further discussion.

- Draft short term rental ordinance was presented to the PC on October 2<sup>nd</sup>. Draft language will be presented to Council at their November meeting with hopes of scheduling a Joint Public Hearing in December.

### **BOARD OF ZONING APPEALS (BZA)**

- The BZA did not meet in October.

### **LARGER PROJECTS**

- Town/County Boundary – At the TC meeting on February 12<sup>th</sup> TC approved the recommended “pink” boundary line as the acceptable town/county boundary line. It is the goal to ensure that the original town boundaries, as reflected on the Official Zoning Map dated September 16, 1993, are honored, and maintained. On February 13, 2024, Essex County’s agenda included the discussion of the town/county boundary clarification. At this meeting the County did not take action, asking staff and the County Attorney to clarify a few questions. During this review further research has been taken to evaluate the September 29, 1975, Annexation document (Reference Law Order Book 14 pgs. 97+). This review is on-going. County has indicated a desire to wait until after July 1, 2024, to resume these discussions. Still awaiting response from County.
- Public Maintenance Facility/Access Roads – Staff provided Dr. Thomas and his team a summary regarding the proposed boundary plat and alternative road alignments submitted to the Town for consideration. The summary outlined the findings and recommendations based on a review by the Town’s Consulting Engineers, TRC.
- VEDP Grant - Staff continues to coordinate with TRC, the Town’s consultant engineers. Site design is virtually complete and will be sent to various agencies for review. Staff has started the process for grant closeout and begun looking for potential funding sources for site construction.
- FEMA – The FEMA Community Action Visit (CAV) visit was conducted March 19-21. A summary report from FEMA has been received outlining the corrective action plan with a requirement to respond 60 days from April 24, 2024. The Town’s legal counsel and staff have worked with the Berkley Group to form a response to FEMA and provide service to the Town for administration of the Town’s Floodplain Ordinance. A meeting has been scheduled with FEMA, The Berkley Group, Sands Anderson and Town Staff on October 10, 2024, to review our corrective action plan.
- Berkley Group – The Berkley Group has assisted the Town in reviewing and drafting the mural ordinance, tracked the action by the Governor as related to short-term rentals and prepared a summary memo and draft short term rental ordinance for review, and responded to FEMA for the CAV.

### **COORDINATION WITH OUTSIDE AGENCIES**

- MPPDC - The Monthly planners’ meeting was canceled in lieu of a meeting with Virginia Department of Health for updates on the transition of the Chesapeake Bay Act septic pump out program.

### **NEW ACTIVITY**

- Starbucks – construction is underway, Signs, water connection and sewer connection have all been approved. Tap was made successfully on Town waterline in the middle of August. Water meter has been installed and paving has been completed. Interior buildout should begin in the coming weeks.

- Fitzgerald’s Sports Bar – Zoning and Sign permits have been issued. Waiting on revised plumbing plan to show inclusion of dishwasher and dishwasher drain line being routed through the grease interceptor. No further update on progress at this site. No building permits have been issued at this time.
- Robles Cantina at 1607 Tappahannock Blvd. (formerly Shoney’s Restaurant). Rose Umana and Saul Garcia. Zoning permit has been issued including an alternative grease Interceptor. Grease interceptor design was changed from original approval. Waiting for updated information from their engineer to confirm adequacy. Essex County has issued a Certificate of Occupancy. Restaurant should be open in the next month.
- A new site plan had been received for the Primis Bank property located at 307 S Church Ln. The proposed use is a Convenience store. Initial review of the site plan has been completed with revisions requested. We are waiting for the second submittal.

Assistant Town Manager Knighton reviewed some items that have changed since he wrote the Community Development Report. He stated the Planning Commission approved to move forward with draft language of the Short-Term Rental Ordinance so he will be bringing the document before Council in November for review. He stated the Town had an audit from FEMA required the Town to do a corrective action plan. He stated the Berkley Group took care of the corrective action plan. He stated it was submitted to DCR and FEMA Staff and a meeting was scheduled for last week for discussion but because of the weather disasters the meeting was postponed until October 31, 2024.

- *Tappahannock Police Department*

Chief Carter asked if the council members had any questions regarding his report.

There were none.

- **NEW BUSINESS**
- **CHESAPEAKE GATEWAY COMMITTEE**

Mayor Gladding asked Council Member Carlton if she was the Town’s representative to this committee.

Council Member Carlton stated she was, but the Chesapeake Gateway Committee is requesting that a Town staff person attend the meetings.

Town Manager Pollitt stated unfortunately a person from the Town Staff does not have the time to attend.

- **MOTION FOR COUNCIL MEMBER KAY CARLTON TO RESPRESENT THE TOWN ON THE CHESAPEAKE GATEWAY COMMITTEE.**

On motion of Fleet Dillard, seconded by Carolyn Barrett, Kay Carlton shall be a representative to the Chesapeake Gateway Committee on behalf of the Town of Tappahannock.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **USDA-RD RESOLUTION AND DOCUMENTS TO BE APPROVED FOR VACCUM PUMP TRUCK**

On motion of Carolyn Barrett, seconded by Anita J. Latane, Council voted unanimously to adopt and approve the USDA-RD Resolution and documents to obtain financial assistance from the USDA-RD to purchase a vacuum pump truck.

**USDA-RD RESOLUTION OF GOVERNING BODY OF  
TOWN OF TAPPAHANNOCK**

The Governing Body of the Town of Tappahannock, consisting of 7 members, in a duly called meeting held on the 15<sup>th</sup> day of October 2024, at which a quorum was present **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of a vacuum pump truck, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that the Town Manager, Eric Pollitt, of the Town of Tappahannock be authorized to execute on behalf of GOVERNING BODY the above- referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Board.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **SUMMIT DESIGN AND ENGINEERING SERVICES**

On motion of Troy L. Balderson, seconded by Carolyn Barrett, Council voted unanimously to grant approval to Town Manager Pollitt and Assistant Town Manager Knighton to obtain the services of Summit Design and Engineering Services to update the Town of Tappahannock Zoning Ordinance.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **DRAFT MURAL ORDINANCE**

Mayor Gladding recognized Assistant Town Manager Knighton.

Assistant Town Manager Knighton reported the council members have in their packet a draft of the mural ordinance document. He stated the proposed ordinance would regulate the mural ordinance in Town and allow them in the CC-1, CG-2, and Industrial Zoning Districts by right and by Special Exception in R-3 and R-4. He reported in the Historical Overlay District it would come before the Historical Overlay Committee for consideration. He stated the language in red is the proposed new language.

Assistant Town Manager Knighton asked the council members to review the draft mural ordinance because he is proposing to have a Joint Public Hearing on November 12, 2024. He asked if the council members had any proposed language changes to please let him know prior to the meeting. He asked if it was okay to schedule the Joint Public Hearing for November 12, 2024.

The council members confirmed it was okay to set a Joint Public Hearing will be set for November 12, 2024.

- **510 ARCHITECTS CENTRAL PARK IMPLEMENTATION PLAN**

On motion of Troy L. Balderson, seconded by Anita J. Latane, Council moved to approve the Central Park Pavilion implementation plan as presented.

Council Member Dillard stated he feels a discussion is in order. He stated the council members were presented with phase 2 of the plans for Central Park, and he stated the motion stated the implementation plan. He asked if the implementation plans were for permitting or is it for the implementation for breaking ground and for approving the funds.

Town Manager Pollitt stated the move to proceed with submitting the design plans to Essex County before January 2025 as discussed in the work session. He stated it is not financially feasible to construct all structures at once so the first focus should be on the restrooms building and the other buildings at a later date. He stated before any construction he would have a conversation with the council members on how the Town will pay for it.

There was some discussion about clarifying the motion.

Council Member Balderson amended his motion to state:

- **MOTION TO SEND ALL CENTRAL PARK PLANS PRESENTED IN WORK SESSION TO ESSEX COUNTY**

On motion of Troy L. Balderson, seconded by Anita J. Latane, the Council voted unanimously to have all the Central Park Plans presented in the work session presented to Essex County for permitting.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **MOTION FOR CLOSED SESSION**

On motion of Troy L. Balderson, seconded by Carolyn Barrett, Council voted unanimously to convene into a closed meeting to discuss the following four (4) subjects.

1. The first subject matter of the closed session shall be an update on the Stankewitz litigation. The purpose of the closed session is to consult with legal counsel in regard to actual litigation, and such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to 2.2-3711(A)(7).

2. The second subject matter of the closed session shall be the annual evaluation of the Town Manager. The purpose of the closed session is to evaluate the performance of a specific public officer, appointee, or employee of the public body, pursuant to 2.2-3711(A)(1).
3. The third subject matter of the closed session shall be to discuss the construction at Hoskin's Creek. The purpose of the closed session is to discuss the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to 2.2-3711(A)(29).
4. The fourth subject matter of the closed session shall be to discuss the collection of delinquent meals taxes. The purpose of the closed session is to consult with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to 2.2-3711(A)(8).

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

• **MOTION FOR CERTIFICATION**

The closed session was reconvened at 8:40 p.m.

On motion of Troy L. Balderson, seconded by Anita J. Latane, I move to certify, by roll call vote, that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

**Certification as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

• **MOTION TO GRANT TOWN MANAGER POLLITT ON TIME BANK OF FIFTEEN (15) DAYS OF ANNUAL LEAVE**

On motion of Troy L. Balderson, seconded by Fleet Dillard, Council voted unanimously to grant Town Manager Pollitt a one-time bank of fifteen (15 days) to his annual leave.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Fleet Dillard:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

- **MOTION TO AMEND TOWN MANAGER CONTRACT TO FOLLOW CURRENT PERSONNEL POLICY AS PREPARED BY COUNSEL**

On motion of Fleet Dillard, seconded by Kay Carlton, Council voted unanimously to amend Town Manager Pollitt contract to follow current personnel policy as prepared by Counsel.

**Votes were cast as follows:**

Kay Carlton:	Aye	Kenneth A. Gillis:	Aye
Carolyn Barrett:	Aye	Fleet Dillard:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye

There being no further business, the meeting was adjourned around 8:50 p.m.

\_\_\_\_\_  
**Roy M. Gladding, Mayor**

\_\_\_\_\_  
**Patsy K. Scates, Town Clerk**



*Town Manager*

Eric S. Pollitt

*Town Treasurer*

Tina F. Brock

*Town Clerk*

Patsy K. Scates

*Chief of Police*

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M. Tolley Gwinn

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*Town Council*

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Katherine B. Carlton

A. Fleet Dillard III

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Carolyn Barrett

Anita Latane

## TOWN OF TAPPAHANNOCK

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### **Wastewater Treatment Plant Month of October 2024**

#### **October 2024**

-Treatment plant had an average daily Effluent flow of .298MGD with a total of 9,244,000 million Gallon Discharge for the month of October.

-October DMR will be completed and submitted before November 10<sup>th</sup>.

-All Nutrient samples for the month of October are within permit required limits.

-October the plant received new replacement computers, to replace old outdated computers.

-Plant has experienced no abnormal conditions from switch over in August, plant running smoothly.

-Plant Generators are working properly, no issues sense repairs were made.

-We received our Skid Steer back from repairs, minor issues but unit is operating correctly.

-Training of operations staff going smoothly, sending employes to Wastewater exam prep class for training and ongoing CPEs (Continuing Professional Education) required by the state for license contact hours.

#### **Public Works Month of October 2024**

#### **October 2024**

- **WATER**

Marsh Street – Small pinhole in service line

North Church Lane – Gaskets bad at the meter

Mitchell's Lane – Replace meter setter, bad flare end

Heron Point – Gaskets bad at the meter

Deshields Street – Replace meter setter, bleeder value broke and setter filling seized

- **SEWER**

Stopped up, sewer main on Faulconer circle, it was unclogged using jetter machine



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### **PUBLIC FACILITIES**

#### **Public Safety Committee**

The Public Safety Committee had an onsite meeting at Water Ln. with Concerned Citizen group and VDOT. Several ideas were discussed, VDOT is looking into street marking, at intersections, School Zone, and MPH identifiers. The Town repainted the school zone and no parking areas along Water Ln. curbing. No updates from VDOT as of now.

#### **Public Facilities report**

- Town Managers report provides updates with ongoing projects.
- Central Park phase 1
- Hoskins Creek project has had shoreline work done. Progress is moving forward.

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**General Fund**

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - October	% left for the year 4 of 12 months July - October 33%
<b>Revenue:</b>			
Funds Balance/Reserves (1)	\$1,705,450.00	\$2,594,696.79 (*)	N/A
Fund Revenue	\$5,275,105.00	\$1,268,422.16	24.05%
<b>Total Revenue</b>	<b>\$6,980,555.00</b>	<b>\$3,863,118.95</b>	55.34%
<b>Expenditures:</b>			
General Gov. Adm.	\$1,638,265.00	\$516,892.13	31.55%
Police	\$1,336,715.00	\$474,309.77	35.48%
Fire and Rescue Servs	\$100,395.00	\$52,697.50	52.49%
Public Works	\$1,468,400.00	\$412,404.82	28.09%
Unclassified	\$463,375.00	\$137,852.84	29.75%
Transfers Out W/S Fund	\$142,030.00	\$142,030.00	100.00%
Transfer to Cap. Projects (2)	\$1,435,725.00	\$1,435,725.00	100.00%
Debt Service	\$395,650.00	\$242,174.31	61.21%
<b>Total Expenditures</b>	<b>\$6,980,555.00</b>	<b>\$3,414,086.37</b>	48.91%
<b>Total Revenues Less</b>			
<b>Total Expenditures (3)</b>	<b>\$0.00</b>	<b>\$449,032.58</b>	

(1) Balance Forward net income from prior year

(2) Transfer to Cap. includes General Government and Water and Sewer Capital Funds

(3) End of Month Fund Balance

(\*) Estimated number subject to change upon completion of prior year audit

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**General Government Capital Fund**

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - October	% left for the year 4 of 12 months July - October 33%
<b>Revenue:</b>			
<b>Capital Projects</b>			
CIP Funds Balance/Reserves (1)	\$288,455.00	\$1,464,132.03	507.58%
Transfer from Gen Fund (2)	\$1,195,725.00	\$1,195,725.00	100.00%
Fund Revenue (Int. on Deposits)	\$0.00	\$14,682.72	100.00%
Grant Revenue	\$2,252,870.00	\$12,750.00	0.57%
Loan Revenue	\$978,050.00	\$915,000.00	93.55%
<b>Total Revenue</b>	<b>\$4,715,100.00</b>	<b>\$3,602,289.75</b>	<b>76.40%</b>
<b>Expenditures:</b>			
<b>Capital Projects</b>			
Police	\$0.00	\$0.00	0.00%
Public Works	\$0.00	\$0.00	0.00%
Budget Surplus (3)	\$68,225.00	\$0.00	0.00%
Community Development (4)	\$511,000.00	\$57,812.50	11.31%
Downtown Revitalization	\$185,000.00	\$0.00	0.00%
Newbill Property-Debt Issuance Cost	\$0.00	\$62,194.07	0.00%
Central Park Project	\$490,000.00	\$595,580.09	121.55%
Hoskins Creek Project-Phase 1	\$3,460,875.00	\$0.00	0.00%
<b>Total Expenditures</b>	<b>\$4,715,100.00</b>	<b>\$715,586.66</b>	<b>15.18%</b>
<b>Total Revenues</b>			
<b>Less Total Expenditures (5)</b>	<b>\$0.00</b>	<b>\$2,886,703.09</b>	
(1) Balance Forward net income from prior year (2) General Fund Transfer Revenue (3) Funds set aside for Reserve and Future Use (4) VEDP and RAISE Access (5) End of Month Fund Balance			

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**Water and Sewer Fund**

	<b>Annual Budget Fiscal Year FY 2024 / 2025</b>	<b>Actual 2023 / 2024 Budget to Date July - October</b>	<b>% left for the year 4 of 12 months July - October 33%</b>
<b>Revenue:</b>			
Funds Balance/Reserves	\$142,030.00	\$541,677.25	381.38%
Transfer from Gen Fund (1)	\$142,030.00	\$142,030.00	100.00%
Fund Revenue	\$1,954,674.00	\$705,968.97	36.12%
<b>Total Revenue</b>	<b>\$2,238,734.00</b>	<b>\$1,389,676.22</b>	<b>62.07%</b>
<b>Expenditures:</b>			
Water and Sewer Operations	\$1,593,189.00	\$514,948.62	32.32%
Budget Surplus (2)	\$50,000.00	\$0.00	0.00%
Debt Service	\$595,545.00	\$339,478.65	0.00%
<b>Total Expenditures</b>	<b>\$2,238,734.00</b>	<b>\$854,427.27</b>	<b>38.17%</b>
<b>Total Revenue Less</b>			
<b>Total Expenditures (3)</b>	<b>\$0.00</b>	<b>\$535,248.95</b>	

(1) General Fund Transfer Revenue

(2) Funds set aside for Reserve & Future Use

(3) End of the Month fund Balance

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**Water and Sewer Capital Fund**

	<b>Annual Budget Fiscal Year FY 2024 / 2025</b>	<b>Actual 2024 / 2025 Budget to Date July - October</b>	<b>% left for the year 4 of 12 months July - October 33%</b>
<b>Revenue:</b>			
<b>Capital Projects</b>			
Transfer from Gen Fund (1)	\$240,000.00	\$240,000.00	100.00%
Grant Revenue	\$250,000.00	\$85,520.00	34.21%
Loan Revenue	\$187,000.00	\$0.00	0.00%
<b>Total Revenue</b>	<b>\$677,000.00</b>	<b>\$325,520.00</b>	<b>48.08%</b>
<b>Expenditures:</b>			
W/S CIP3-VDH Wtr Mapping LSL	\$250,000.00	\$85,520.00	34.21%
W/S CIP4-Marsh St. Swr Line Re-route	\$165,000.00	\$0.00	0.00%
Vac / Pump Truck Replacement	\$187,000.00	\$0.00	0.00%
Budget Surplus (2)	\$75,000.00	\$0.00	0.00%
<b>Total Expenditures</b>	<b>\$677,000.00</b>	<b>\$85,520.00</b>	<b>12.63%</b>
<b>Total Revenue</b>			
<b>Less Total Expenditures (3)</b>	<b>\$0.00</b>	<b>\$240,000.00</b>	
(1) General Fund Transfer Revenue			
(2) Funds set aside for Reserve & Future Use			
(3) End of the Month Fund Balance.			

**ARPA Capital Projects**

	<b>Annual Budget Fiscal Year FY 2024 / 2025</b>	<b>Actual 2024 / 2025 Budget to Date July - October</b>	<b>% left for the year 4 of 12 months July - October 33%</b>
<b>Revenue:</b>			
<b>ARPA Capital Projects</b>			
Round 1 ARPA Funds	\$157,210.00	\$0.00	100.00%
Round 2 ARPA Funds	\$1,246,057.00	\$140,285.22	100.00%
<b>Total Revenue</b>	<b>\$1,403,267.00</b>	<b>\$140,285.22</b>	<b>100.00%</b>
<b>Expenditures:</b>			
ARPA Capital Projects			
Sewer I & I Rehab	1,236,820.00	\$9,509.36	0.77%
Contingency	166,447.00	\$130,775.86	78.57%
<b>Total Expenditure</b>	<b>\$1,403,267.00</b>	<b>\$140,285.22</b>	<b>10.00%</b>
<b>Total Revenue</b>			
<b>Less Total Expenditures</b>		<b>\$0.00</b>	

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**Cemetery Fund**

	<b>Annual Budget Fiscal Year FY 2024 / 2025</b>	<b>Actual 2024 / 2025 Budget to Date July - October</b>	<b>% left for the year 4 of 12 months July - October 33%</b>
<b>Revenue:</b>			
Balance Forward net income from PY	\$5,000.00	\$5,000.00	100.00%
Sale of Cemetery Lots	\$11,250.00	\$1,167.00	10.37%
Interest on Deposits	\$5,500.00	\$2,127.21	38.68%
<b>Total Revenue</b>	<b>\$21,750.00</b>	<b>\$8,294.21</b>	<b>38.13%</b>
<b>Expenditures:</b>			
Legal & Recording of Deeds	\$850.00	\$42.00	4.94%
Grass Cutting	\$15,200.00	\$0.00	0.00%
Electricity	\$300.00	\$82.53	27.51%
Repair & Maintenance	\$5,200.00	\$0.00	0.00%
Purchase of Lots	\$200.00	\$0.00	0.00%
<b>Total Expenditures</b>	<b>\$21,750.00</b>	<b>\$124.53</b>	<b>0.57%</b>
<b>Total Revenue</b>			
<b>Less Total Expenditures (1)</b>	<b>\$0.00</b>	<b>\$8,169.68</b>	

(1) End of the Month Fund Balance

**Town of Tappahannock**

**Monthly Financial Report to Council for October 2024**

**Industrial Revitalization Fund**

	<b>Annual Budget Fiscal Year FY 2024 / 2025</b>	<b>Actual 2024 / 2025 Budget to Date July - October</b>	<b>% left for the year 4 of 12 months July - October 33%</b>
<b>Revenue: (*)</b>			
<b>IRF</b>			
Interest on Outstanding	\$5,716.00	\$1,967.79	34.43%
Principal on Outstandin	\$22,565.00	\$7,459.21	33.06%
<b>Total Revenue</b>	<b>\$28,281.00</b>	<b>\$9,427.00</b>	33.33%
<b>Expenditures:</b>			
Budget Surplus	28,281.00	\$0.00	0.00%
<b>Total Expenditure</b>	<b>\$28,281.00</b>	<b>\$0.00</b>	0.00%
<b>Total Revenue</b>			
<b>Less Total Expenditures</b>		<b>\$9,427.00</b>	

(\*) IRF Loan to 1710 Tavern - Greg Huff

## Central Park Project FY2023-FY2025

As of October 31, 2024

<u>Cost Category</u>	Total Project Costs	Previous Disbursements	Disbursement This Period (Month)	Disbursements to Date	Remaining Balance
Pickleball Courts	\$ 75,000.00	73,646.44	-	\$ 73,646.44	1,353.56
Site Work	\$ 1,282,340.25	1,160,701.29	833.72	\$ 1,161,535.01	120,805.24
Playground and Splash Pad	\$ 600,000.00	569,204.29		\$ 569,204.29	30,795.71
Engineering and Administration	\$ 190,000.00	162,888.23	5,030.00	\$ 167,918.23	22,081.77
Contingency	\$ 32,500.00			\$ -	32,500.00
<b>Total Expenses</b>	<b>\$ 2,179,840.25</b>	<b>\$1,966,440.25</b>	<b>\$5,863.72</b>	<b>\$1,972,303.97</b>	<b>\$207,536.28</b>



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### MEMORANDUM

#### Town Manager Report 11/12/2024

##### **Strategic Objectives Next 6 Months for Year 2024**

1. Complete architectural plans for structures at Central Park.
2. Start construction for Phase 1 of Hoskins Creek.
3. Finish Industrial Park design and engineering. (Identify funding and implementation options)
4. Complete water system mapping project.

##### **Ongoing Major Council Initiative Projects**

1. Central Park Project – Council approved proceeding with submitting the plan set for Phase 2 of the project which includes design for all five structures: bathrooms & covered seating, larger pavilion for entertainment, and three smaller pavilions. We anticipate final plans to be submitted to Essex County no later than early December.
2. Water System Mapping – Staff are working with CHA Solutions on a small list of outstanding questions to close out the grant later this month. The map will continue to be updated with more detail even after the grant is closed out. Letters to customers with unknown water line materials will be sent, notifying them of their unknown status.
3. Hoskins Creek
  - i. Boating Infrastructure Grant (BIG Grant) –The Town finally received a notice of award for us to proceed with permitting and design, but not construction. This is still great news. Now these expenses will become eligible for reimbursement through the grant.
  - ii. Shoreline Restoration –The substantial infrastructure aspects of the project are complete. Initial wetland plantings will be installed before winter, with the remaining plantings to be installed early next spring.

- iii. Rec. Access Rd. – VDOT staff will be reviewing the road plans this month. The total amount of time it will take for review is estimated to be 45 days.

#### 4. Old Airport Development

- i. Site Design VEDP – TRC Engineers will attend the October Council meeting to discuss the site and potential implementation options. When to start construction of the property will be discussed at the upcoming Council Retreat in October.

### **Other Initiatives in Progress**

1. The Fall Retreat was facilitated by retired Manager/Administrator Kim Payne from the Berkley Group. Kim will be sending a report outlining what was discussed and the work plan the Council and Town Manager created for the next few years.
2. Sewer Rehab Phase 2 Project – CHA is drafting a Phase 2 report for our sewer infrastructure needs. This will include a variety of upgrades such as completing the lining and manhole work for downtown, and pump station repairs with electrical upgrades. Engineering design is anticipated to be finished in 2025 and construction for the next phase to start in 2026.
3. Tourism Program – Staff has updated the events page on the [visittappahannock.com](http://visittappahannock.com) website.
  - Social Media Management - Updates on Tappahannock’s social media channels—including Facebook, Instagram, and LinkedIn—are being actively managed to keep residents and visitors informed about local news, events, and attractions.
  - Rack Card Distribution - We are working on distributing Tappahannock rack cards to key rest stops and welcome centers to enhance visitor outreach.
  - Visit Tappahannock Website Updates - The website now includes new forms for local businesses and event organizers, streamlining community engagement with our online platform.
  - Advertising in Local Publications - Ads are being developed for local magazines, with a feature article in Coastal Virginia magazine spotlighting Tappahannock’s attractions to reach a wider audience.
  - Website News Updates - The *NEWS* section of the Visit Tappahannock website now highlights the opening of Central Park and the availability of Rent.Fun kayak rentals, showcasing recent developments in recreational opportunities.
  - Virginia's River Realm Website Launch - Preparations are underway to feature Tappahannock on Virginia’s River Realm website, extending our reach in the tourism network.
4. USDOT RAISE Grant – Town Staff and Councilwoman Barrett met with the Essex County Administrator and Supervisors Akers and Magruder.

We discussed a brief background on the grant, publicly owned properties only being in consideration for improvement, this being a planning grant not construction, and what the grant agreement/contract covers. Next steps are for the Town to develop the RFP for seeking consultants to perform the services in the grant agreement. This will take approximately 6-9

months to secure a firm under contract. A scoring system will be required for selecting the consultant (assuming we have more than one respondent).

Some minor things were discussed such as which projects/sites get selected for development, potential sites in town or county, RFP and interview process, reimbursement requests (town responsible), and who will be involved attending these meetings with consultants as we determine what projects will make for our strongest construction application.

- James and I will be the Town staff contacts on the project. April (and possibly another staff person at the County) will be the staff contact at Essex County. Staff will then report updates back to respective governing bodies.
  - Town is solely responsible for reimbursement requests. These will be in conjunction with quarterly progress reports which can be shared with governing bodies.
  - Construction application will be based on consultant recommendations for the ***strongest*** funding application since this will be a competitive grant application.
  - Grant administration monies will be used for compensating consultants for producing the work product and administration of grant, not to pay Town or County staff salaries for time spent on grant activities.
5. Fleet Management – A new pump truck has been ordered for the General Services Department. We anticipate delivery by February 2025.
  6. River realm – Staff met with Virginia’s River Realm participants in late August. Staff are waiting for an agreement to be reviewed and approved.
  7. Town Code and Zoning Text Updates – Staff will begin working on updates to our zoning text and sections of Town Code. We will aim to have these changes adopted at one public meeting in 2025 or early 2026.



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### Monthly Report – November 2024 Community Development and Zoning Administration

#### **PLANNING COMMISSION (PC)**

- There was no PC monthly meeting in November.
- Draft short term rental ordinance was presented to the PC on October 2<sup>nd</sup>. Draft language is included in your packets with hopes of scheduling a Joint Public Hearing in December.

#### **BOARD OF ZONING APPEALS (BZA)**

- The BZA did not meet in November.

#### **LARGER PROJECTS**

- Town/County Boundary – At the TC meeting on February 12<sup>th</sup> TC approved the recommended “pink” boundary line as the acceptable town/county boundary line. It is the goal to ensure that the original town boundaries, as reflected on the Official Zoning Map dated September 16, 1993, are honored, and maintained. On February 13, 2024, Essex County’s agenda included the discussion of the town/county boundary clarification. At this meeting the County did not take action, asking staff and the County Attorney to clarify a few questions. During this review further research has been taken to evaluate the September 29, 1975, Annexation document (Reference Law Order Book 14 pgs. 97+). This review is on-going. County has indicated a desire to wait until after July 1, 2024, to resume these discussions. Still awaiting response from County.
- Public Maintenance Facility/Access Roads – Staff provided Dr. Thomas and his team a summary regarding the proposed boundary plat and alternative road alignments submitted to the Town for consideration. The summary outlined the findings and recommendations based on a review by the Town’s Consulting Engineers, TRC.
- VEDP Grant - Staff continues to coordinate with TRC, the Town’s consultant engineers. Site design is virtually complete and will be sent to various agencies for review. Staff has started the process for grant closeout and begun looking for potential funding sources for site construction.

- FEMA – The FEMA Community Action Visit (CAV) visit was conducted March 19-21. A summary report from FEMA has been received outlining the corrective action plan with a requirement to respond 60 days from April 24, 2024. The Town’s legal counsel and staff have worked with the Berkley Group to form a response to FEMA and provide service to the Town for administration of the Town’s Floodplain Ordinance. An initial meeting was held with FEMA, the Berkley Group and Town staff on October 31, 2024 to provide updates to FEMA about the Town’s progress related to the CAV.
- Berkley Group – The Berkley Group has assisted the Town in reviewing and drafting the mural ordinance, tracked the action by the Governor as related to short-term rentals and prepared a summary memo and draft short term rental ordinance for review, and responded to FEMA for the CAV.

### **COORDINATION WITH OUTSIDE AGENCIES**

- MPPDC - The Monthly planners’ meeting was held on October 30, 2024 in Saluda. A variety of topics were discussed.

### **NEW ACTIVITY**

- Starbucks – construction is underway, Signs, water connection and sewer connection have all been approved. Tap was made successfully on Town waterline in the middle of August. Water meter has been installed and paving has been completed. Site contractor is expecting a mid January completion date.
- Fitzgerald’s Sports Bar – Zoning and Sign permits have been issued. Waiting on revised plumbing plan to show inclusion of dishwasher and dishwasher drain line being routed through the grease interceptor. No further update on progress at this site. No building permits have been issued at this time.
- Robles Cantina at 1607 Tappahannock Blvd. (formerly Shoney’s Restaurant). The engineer has provided the revised drawings and plumbing layout for the grease interceptors and meets the Town code requirements. The restaurant is now opened.
- A new site plan had been received for the Primis Bank property located at 307 S Church Ln. The proposed use is a Convenience store. Initial review of the site plan has been completed with revisions requested. The site developer and engineer have submitted their traffic impact analysis to VDOT and it is currently being reviewed.



# TAPPAHANNOCK POLICE DEPARTMENT



Thomas Carter  
Chief of Police  
tcarter@tapp-pd.org

## Monthly Crime Report

Date Prepared: November 1, 2024

Activities reported October 1, 2024 through October 31, 2024

### CONTACT US

#### TAPPAHANNOCK POLICE DEPARTMENT

P.O. Box 266  
104 COMMERCE ROAD  
TAPPAHANNOCK, VA 22560

#### PHYSICAL ADDRESS

104 COMMERCE RD, TAPPAHANNOCK, VA, UNITED STATES, VIRGINIA  
TELEPHONE: (804) 443-3992

#### WEBSITE

[HTTPS://WWW.TAPPAHANNOCK-  
VA.GOV/ABOUT\\_US/TAPPAHANNOCK\\_POLICE\\_DEPARTMENT.PHP](https://www.tappahannock-va.gov/about_us/tappahannock_police_department.php)



This presentation has been prepared based on the information available at publication date, including information derived from other sources.  
The reporting information included in this presentation is preliminary and for discussion purposes only.



Tappahannock Police Department  
Colonel Thomas Carter  
Chief of Police



**Section I: Major Incidents**

<u>Date</u>	<u>Offense</u>	<u>Age</u>	<u>Defendant</u>
10/8/2024	Assault:hate crime, trespassing, disorderly conduct	23	Viridiana M. Espinoza
10/30/2024	(5) counts of manufacture/dist. Sch I, II 3rd+ offense (1) count possess w/intent to manufacture/sell Sch I,II	42	Reginald M. Smith

**Section II: Arrest**

<u>Date</u>	<u>Charge</u>	<u>Age</u>	<u>Name</u>
10/1/2024	Revoked license: alcohol related, Capias fail to obey court order	48	Rodney D. Richards
10/1/2024	Shoplifting	62	William A. Thompson
10/3/2024	Obstruction of Justice	30	Drucilla E. Ross
10/9/2024	Drunk in public	61	Kent L. Thornton
10/11/2024	Drunk in public	61	Kent L. Thornton
10/19/2024	Capias to show cause	38	Edward A. Plunkett
10/5/2024	Shoplifting 2 counts	37	Jaime A. Garcia
10/19/2024	Shoplifting	21	Yasmeen I. Frazier
10/24/2024	Revoked license: alcohol related, restrict/revoke/ suspend license: alcohol related, possess license plate/decals when not entitled, altered or forged license plates	55	Danny Ray Stevens
10/29/2024	DWI: previous felony; 3rd DWI within 10Y restrict/revoke/suspended alcohol related, revoke license: alcohol related	37	Lewis David Hopkins
10/30/2024	Shoplifting	40	Darius Fautleroy
10/31/2024	Disorderly conduct, drunk in public	53	James Edward Coleman

**Section III Traffic Citations**

Date: October 2023	Tappahannock Police Department	107
Date: October 2024	Tappahannock Police Department	89
% of Change		18%

**Traffic Accidents**

18

**EMERGENCY COMMUNICATIONS CALLS FOR SERVICE**

LAW CALLS FOR SERVICE	1206
EMS CALLS FOR SERVICE	148
OFFICER SELF INITIATION	699
<b><u>TOTAL</u></b>	<b>2053</b>



*Town Manager*

Eric S. Pollitt

*Town Treasurer*

Tina F. Brock

*Town Clerk*

Patsy K. Scates

*Chief of Police*

Thomas D. Carter

*Town Attorney*

M. Tolley Gwinn

*Mayor*

Roy M. Gladding

*Town Council*

Troy L. Balderson

Katherine B. Carlton

A. Fleet Dillard III

Kenneth A. Gillis

Carolyn Barrett

Anita Latane

## TOWN OF TAPPAHANNOCK

*P. O. Box 266*

*Tappahannock, Virginia 22560*

*(804) 443-3336 Fax (804) 443-1051*

[www.tappahannock-va.gov](http://www.tappahannock-va.gov)

### NOTICE

In accordance with Section 15.2-2204 of the 1950 Code of Virginia, as amended, Notice is hereby given that the Tappahannock Town Council and the Tappahannock Planning Commission will hold a Joint Public Hearing on **Tuesday, November 12, 2024, at 7:00 p.m.** in the Tappahannock Municipal Building located at 915 Church Lane, Tappahannock, Virginia to consider the adoption of the following item. All interested persons are encouraged to attend and shall be given an opportunity to present their views.

**1. An amendment to the Tappahannock Zoning Ordinance:**

To amend the Tappahannock Zoning Ordinance Article XI Supplementary Use Regulations, to add Sec. 22-147.2 Mural Art and amend Article X, Sec. 22-125 to update the permissible use table to include mural art. This amendment proposes to establish the zoning districts mural art is permitted as a matter of right, special exception or via a Historic Overlay Zoning permit as well as regulations governing mural art.

Copies of the complete amendment may be reviewed at the Tappahannock Municipal Building, 915 South Church Lane, Tappahannock, Virginia. Monday – Friday between the hours of 8:30 a.m. to 4:30 p.m. or on our website at [www.tappahannock-va.gov](http://www.tappahannock-va.gov) and interested parties may appear to express their opinions regarding the proposed.

James Knighton,  
Assistant Town Manager



# MEMORANDUM

## Community Development Division

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To: James Knighton, Assistant Town Manager  
From: Kate Jones, PLA, ASLA, Deputy Director of Community Development (BG)  
Darla Orr, Principal Planner (BG)  
Anna Cherry, Planner II (BG)  
Date: September 10, 2024  
Subject: Town of Tappahannock Draft Mural Ordinance Review and Recommendations

### Introduction and Background

The Town of Tappahannock's Planning Commission and staff have been working diligently to research examples of public art murals in other localities, to understand community benefits that may be realized by allowing public art murals, and to gather examples of ordinances from other area localities that permit these murals. Work sessions to discuss the Town's desires for murals and their locations, and other general regulations have resulted in a draft mural ordinance. Earlier this year, Town staff tasked the Berkley Group with review of the draft ordinance and to offer modifications and suggestions for best practices to finalize a draft ordinance for murals. The Berkley Group completed their review of the Town's draft mural ordinance and has produced a revised ordinance for review by the Planning Commission.

BG staff understands that the Town's Code of Ordinances does not currently address murals even though there are a number of murals and painted wall signs within the Town. Staff advised that the sign regulations of the Town's Zoning Ordinance have been interpreted to permit a painted commercial wall sign which has recently been proposed for a wine shop, provided the sign meets the minimum standards for signage for that district. This interpretation is reasonable since the sign regulations do not specify a specific type of sign material and there are other painted commercial wall signs within the Town.

### Best Practices for Regulating Murals and Signs

There are questions about the difference between public art as a mural and when such art becomes a sign. Given the Supreme Court ruling in *Reed v. Town of Gilbert* (2015), wherein the Court unanimously invalidated an ordinance that treated signs differently based on content, the Berkley Group is recommending that the definition of Mural explicitly make the distinction between that of a sign, and that the new "Mural Art" section be included in the Zoning Ordinance, as a new use.

Just as the Town staff and Planning Commission, the Berkely Group understands that best practices may be found by looking at other localities in Virginia that have vibrant downtown areas with permissions for murals that are flexible, but clearly control murals for the betterment of their place making.

Interestingly for murals, ordinance regulations range from quite simple to more complex. Some examples of some more simple regulations include:

#### *Fort Royal, VA*

The ordinance for Front Royal is very simple. It states an artistic mural is “A work of art (as a painting) applied to and made integral with a building wall that is prepared by a skilled artist and shows imaginative skill in arrangement or execution.” The regulation for an artistic mural is that artistic murals may not exceed 25 square feet.

#### *Mount Jackson, VA*

In Mount Jackson, VA, painted wall signs, in their zoning ordinance, include murals in their definition. Their regulations limit a painted wall sign on the side or rear wall of a building, and limit its size based on the commercial zoning district to be no greater than 10% or 15% of the wall area where the sign or mural is located.

We discussed with Town staff the need for regulations to include language to prevent obscene or profane displays. Mount Jackson’s ordinance includes language that prohibits signs that represent or depict specified sexual activities or specified anatomical areas or sexually oriented goods and any sign that contains obscene text or pictures as defined by the Virginia Code. Their ordinance also prohibits advertising activities or products that are illegal under federal, state, town, or county law.

#### *Montross, VA*

The Town’s draft ordinance most closely defines the types of murals as are found in Montross, VA’s ordinance. Their ordinance regulates murals based on two types. One type contains artwork, and one type may contain representations of the business, with Council approval. Their regulations are included in the Zoning Ordinance which is somewhat concerning, as well as the determination of the two types based on content.

#### *Alexandria, VA*

BG staff offered the Town of Alexandria, VA’s ordinance as an example of an ordinance that includes a list of characteristics that could be standards to determine whether a painted display is a mural. These standards are more enforceable standards. They include requirements that murals contain no text legible from a public roadway; no logo or trademarked symbol; no specific commercial product although generic products such as automobiles, soft drinks, furniture may be depicted where the brand is not apparent; and includes no picture or symbol or device of any kind that relates to the commercial business, product or service offered on premises where the wall is located.

## Recommended Ordinance Elements

Given the above, staff recommends amending the zoning ordinance to create *ARTICLE XXI, Section 22-242.148., Supplementary Use Regulations, Mural Art*, and updating *Section 22-125., Permissible Use Table* to include the new use “Mural”.

The current ordinance draft (Attachment A) is a much simplified version of the previous mural draft. While the language in the previous draft is important for the overall discussion of murals within the town, it is staff’s opinion that most of this language is better placed in a policy document such as a comprehensive plans or arts and culture plan, and not in the ordinance. The following key considerations are included in the ordinance for your consideration:

### *#1 – Define Mural:*

An original, one-of-a-kind unique design or representation painted, drawn, or projected with lights on a wall. which does not contain promotional or commercial advertising. This is a simple, clear distinction from a sign, which may fall under more scrutiny for content regulation under the previously mentioned supreme court case.

### *#2 – Mural Approval and Permitting Processes*

The zoning administrator may approve a permit for murals in zoning districts where the use is allowed by right. If the proposed mural is located in the Historical Overlay District, the applicant must apply via the Historical Overlay Zoning Permit process and follow all requirements of Section 22-239. Historic Overlay Zoning Permits and Section 22-240., Criteria for Review of Application and Permits for Alterations for Designated Historic Overlay Zone. In zones R-3, Town Residential, and R-4, Multi-Family Residential murals may be allowed via a Special Exception permit, granted by the Board of Zoning Appeals.

### *#3 Prohibit Explicit Representations and Wording*

The draft ordinance states that murals shall not contain language or images that are obscene, profane, or defamatory, nor shall they include content that promotes hatred, discrimination, or violence against any individual or group based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic. Any mural found to contain such content shall be subject to immediate removal at the owner's expense.

### *#3 Define What Areas of a Building Murals are Allowed*

*No part of a Mural shall exceed the height of the structure to which it is painted on or affixed to, extend more than six (6) inches from the plane of the wall upon which it is painted or affixed to, and murals shall be located on the side or rear walls of the building, and not on its primary wall, or on any of its decorative elements.*

### *#3 Define What Zoning District Murals are Allowed*

Murals shall be allowed by right in districts CC-1, CG-2, I-1. Any murals proposed in the HOZ shall follow the permitting requirements for a Historic Overlay Zoning Permit. The permitted use table is recommended to be updated to reflect this new use.(See attachment B)

### *#4 Murals May Not Contain Flashing or Strobing Lights*

The use of strobing, flashing and other lights in murals is prohibited. The use of light is very limited to static illumination only which must be turned of and off in a 24 hour period.

### *#5 Provide Direction on Maintenance and Enforcement*

The proposed ordinance states that all murals must be maintained in proper order, and it is the responsibility of the property owner to do so. Violations will be subject to enforcement action by the Town. It also states that minimal changes to the mural can be made without obtaining another permit.

## Conclusion

The Planning Commission and Town staff recognize the community enhancements that may be realized through permitting murals within certain areas. A simple, enforceable mural ordinance is important as the Town desires to add public art to its commercial, industrial, mixed-use, historic downtown areas.

### **Attachments:**

***Article X, Permissible Uses, Section 22-125., Permissible Use Tables (Attachment 1)***

***Article XI, Section 22-148., Supplementary Use Regulations, Mural Art (Attachment 2)***

It is important for regulations to be clear and avoid conflicts with the Supreme Court ruling on signs, which staff believes the proposed ordinance does.

ARTICLE XI  
Supplementary Use Regulations  
Section 22-147.2. Mural Art

A Mural shall be permitted By Right in districts CC-1, CG-2, I-1, with a Special Exception in R-3 and R-4, and via a Historic Overlay Zoning Permit in the Historic Overlay District (HOZ) provided:

- a. Murals shall meet the following definition - An original, one-of-a-kind unique design or representation painted, drawn or projected with lights on a wall. which does not contain promotional or commercial advertising,
- b. The applicant shall obtain a Zoning Permit issued by the Town Zoning Administrator, or obtain a special exception as allowed by the Board of Zoning Appeals. When located within the Historic Overlay District, a Historic Overlay Zoning Permit, which will follow all requirements of Section 22-239. Historic Overlay Zoning Permits and Section 22-240., Criteria for Review of Application and Permits for Alterations for Designated Historic Overlay Zone.

c. In addition to obtaining a Permit, all murals must minimally meet the following requirements:

1. All mural applications shall contain an authorization by the Owner of the wall or structure the mural will be painted on or affixed to and a draft of the proposed Mural including color and specification of materials (e.g., paint, tile, etc.).
2. Murals shall be applied using weather resistant paint or materials.
3. Murals shall not be designed as to constitute or create a traffic hazard as determined by the Town Manger or designee in consultation with the Chief of Police.
4. No part of a Mural shall exceed the height of the structure to which it is painted on or affixed to.
5. No part of a Mural shall extend more than six (6) inches from the plane of the wall upon which it is painted or affixed to.
6. Murals shall be located on the side, corner side, or rear walls of the building, and not on its front wall, or on any of its decorative elements.
7. No Mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every twenty-four (24) hours).
8. No Mural shall obstruct the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
9. Murals shall be maintained at all times. Repairs to a Mural shall not require a new zoning application if the image or content of the Mural does not or only minimally change. Failure to maintain a mural in good repair may result in notification by the Zoning Administrator and, if necessary, appropriate enforcement action by the Town.

10. Murals shall not contain language or images that are obscene, profane, or defamatory, nor shall they include content that promotes hatred, discrimination, or violence against any individual or group based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic. Any mural found to contain such content shall be subject to immediate removal at the owner's expense.

11. Murals advertising businesses, goods or services shall be considered a Sign and require a Sign Permit pursuant to Section 22-179. Permitting Requirements for Signs.

DRAFT

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## Sec. 22-125. Permissible Uses Tables.

- a. *More specific use controls.* Whenever a development could fall within a more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.
- b. *Table of Permissible Uses (see following).*

### Alphabetical List of Uses from Section 22-125 Table of Permissible Uses

<u>Use Number</u>	<u>Uses Description</u>	<u>Article XI Reference</u>
4.05.200	Airport/Air Park, Private Use	
7.01.500	Alcoholic Beverage Manufacturing	
5.02.300	Animal Boarding Places-Kennels, Veterinarians and Veterinary Hospitals	Section 22-126
4.06.300	Antennas and Towers more than 50 feet tall	Section 22-132
4.06.400	Antennas and Towers 50 feet tall or less	
6.01.113	Antique Shops, Art Galleries	
7.01.900	Asphalt Plants/Concrete Plants, Sand and Gravel Washing, Screening, Crushing	
7.02.100	Automobile Parking Garages	
7.01.100	Baker, Printing Publishing, Dry Cleaning Plants, Electronic Assembly	
5.01.114	Banks and Financial Institutions	
7.01.200	Blacksmith Shops, Welding Shops, Ornamental Iron Works, Machine Shops and Sheet Metal Shop	
3.04.100	Boardinghouses, Bed and Breakfast, Country Inns	Section 22-128
7.01.300	Bottling, Confectionery, Food Products	
7.01.800	Brick or Block Manufacturing	
5.01.115	Business Services	
4.09.100	Bus Station	
4.08.000	Cemetery and Crematorium (Municipal)	
3.03.210	Child or Elderly Day Care Home (having fewer than 7 care recipients)	
3.03.220	Child or Elderly Day Care Center Section 22-129 (between 7 and 30 care recipients)	
4.01.200	Churches, Synagogues, and Temples	
4.02.130	Coliseums, Stadiums	
4.01.130	Colleges, Universities, Community Colleges (Private)	
3.02.300	Commercial Apartment	
1.02.000	Commercial Greenhouse Operation	
5.01.100	Construction Services and Supplies	
7.02.300	Contractor's Yard	
6.01.110	Convenience Stores	
3.03.200	Day Care	
5.01.113	Dry Cleaning/Laundry and Laundromats	
7.01.700	Duplex	Section 22-143.1

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3.04.101	Emergency Homeless Shelter (Town Council Adopted on 4-8-2019)	Section 22-138.1
7.01.700	Fertilizer Mixing Plants	
4.04.000	Fire Stations, Rescue Squad, and/or Ambulance Service	
6.01.300	Flea or Open Markets	Section 22-130
5.02.200	Funeral Homes, Cemetery	
5.01.111	General Offices	
4.02.230	Golf Driving Ranges, Par 3 Golf Course, Miniature Golf Courses, Skateboard Parks, Water Slides, Batting Cages	Section 22-132
3.03.100	Group Homes for not more than 8 persons	
4.05.300	Helicopter Facilities	
5.01.117	Home Occupation	Section 22-134
4.03.100	Hospitals and Inpatient Medical Facilities	
3.04.200	Hotels and Motels	Section 22-135
4.01.300	Libraries, Museums, Art Centers (Private)	
2.01.0	Marina	
7.02.230	Mini-warehouse	Section 22-137
6.03.100	Motor vehicle Sales or Rental; Mobile Home Sales, Farm Equipment Sales	
6.03.200	Motor Vehicle Repair and Maintenance, Fuel Sales, Car Wash, Vehicle Painting, Auto-body Work, Parts Sales and Installation	
4.02.121	Movie Theatres, Theatres, seating capacity of not more than 300	
4.02.122	Movie Theatres, Theatres, seating capacity Up to 1,000	
4.02.240	<b>Mural Art</b>	<b>Section 22-147.2</b>
4.06.100	Neighborhood Essential Service	
3.03.400	Nursing/Elderly Care Homes	
3.03.410	Nursing/Elderly Care Homes, 1-8 people	Section 22-138
3.03.420	Nursing/Elderly Care Homes, 9 people and above	Section 22-138
1.01.0	Open-air markets, Farm and Craft Markets, Agricultural and Horticultural, Home and Garden Shop	
4.09.200	Park and Ride Facilities	
5.01.112	Personal Services	
6.01.112	Pet Shops	Section 22-139
4.05.110	Post Office, Local	
4.05.120	Post Office, Regional	
5.01.118	Printing and Publishing	
5.01.116	Professional Office	
4.06.200	Public Utility Buildings and Structures	Section 22-141
4.02.100	Recreation, Amusement, Entertainment, activity conducted entirely within building or substantial structure	
4.02.210	Recreation Facilities, privately owned and not constructed pursuant to a permit authorizing the	
4.02.211	construction of some residential development	
4.02.212	Recreation Facilities, privately owned approved as part of	
4.02.220	a residential development	Section 22-131
4.02.110	Recreation, Indoor	
7.03.000	Research Facilities, Laboratories	

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3.01.200	Residence—Class A Mobile Home	Section 22-136
3.01.300	Residence—Class B Mobile Home	Section 22-136
3.01.400	Residence—Duplex	Section 22-143.1
3.02.000	Residence-Multi-Family	Section 22-144
3.03.400	Residence-Multi-Family Conversion	Section 22-143
3.01.500	Residence-Primary, with Accessory Apartment	Section 22-140
3.01.100	Residence-Single Family, Detached	
3.02.200	Residence-Townhouse	Section 22-145
6.02.000	Restaurants	
6.01.114	Retail establishments in Office Buildings	Section 22-142
6.01.111	Retail Stores and Shops	
3.03.500	Retirement Housing Complex	
4.07.000	Satellite Dish	
7.01.400	Saw Mills	
4.01.110	School, Private (Elementary and Secondary)	
2.04.200	Seafood Processing, products raised on the premises	
2.04.100	Seafood Processing, products raised or harvested off-site	
4.02.120.1	Sexually Oriented Business (Town Council Adopted on 9-14-2009)	Town Code 15-1
7.01.210	Shop for Furniture Construction, finishing, refinishing, and assembly	Section 22-147
3.04.300	Short-Term Rentals (Town Council Adopted on 1-11-2021; Town Council Amended on 5-10-2021)	Section 22-128.1
4.01.400	Social, Fraternal Clubs and Lodges, Union Halls, Meeting Halls	
7.02.000	Storage and Parking	
7.02.240	Storage of Petroleum Products	
7.02.210	Storage within completely enclosed structure	
5.01.110	Tattoo Parlors or Schools-Body piercing	Section 22-147.1
4.01.120	Trade or Vocational Schools	
7.02.220	Warehouse	
7.01.600	Winery	
6.01.200	Wholesale Sales	

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions										
USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	I-1	RMX	BP
<b>1.00.000 AGRICULTURAL USES</b>										
1.01.0 Open-air markets, Farm and Craft Markets, Agricultural Horticultural sales with outdoor display. Home and Garden Shop						P	P	P		
1.02.000 Commercial greenhouse operation								P		P
<b>2.00.000 MARINE USES</b>										
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis						P	P	P	SE	P
2.04.000 Seafood Processing										
2.04.100 Seafood processing and seafood operations with products raised or harvested off-site						SE	SE	P		
2.04.200 Seafood processing and seafood operations with products raised on the premises								P		
<b>3.00.000 RESIDENTIAL USES</b>										
<b>3.01.000 Single-Family Residence</b>										
3.01.100 Single Family, Detached	P	P	P	P					P	

3.01.200 Class A Mobile Home (See Section 22-136)					PC					
3.01.300 Class B Mobile Home (See Section 22-136)					PC					
3.01.400 Duplex <sup>2</sup>		P	P	P					P	
3.01.500 Primary Residence with Accessory Apartment (See Section 22-140)		PC	PC	PC					PC	
<b>3.02.000 Multi-Family Residence</b>										
3.02.100 Multi-Family (See Section 22-144) <sup>2</sup>			<sup>2</sup>	PC					PC	
3.02.200 Townhouse (See Section 22-145) <sup>2</sup>			<sup>2</sup>	P					SC	
3.02.300 Commercial Apartment						SE	SE		P	SE
3.02.400 Multi-Family Conversion (See Section 22-143)			PC	PC						
<b>3.03.000 Homes Emphasizing Special Services, Treatment, or Supervision and Residential Elderly Care Home</b>										
3.03.100 Group Homes for not more than 8 persons (See Section 22-133)				SC					SC	
<b>3.03.200 Day Care</b>										
3.03.210 Child or Elderly Day Care Home (having fewer than 7 care recipients)		P	P	P	P	P	P		P	P
3.03.220 Child or Elderly Day Care Center (between 7 and 30) (See Section 22-129)				SC					SC	P
3.03.230 Child/Elderly Day Care Center			SC			P	P			

<b>3.03.400 Nursing/Elderly Care Homes</b>										
3.03.410 Nursing/Elderly Care Homes, 1-8 people (See Section 22-138)	PC	PC	PC	PC	PC				PC	
3.03.420 Nursing/Elderly Care Homes, 9 people and above (See Section 22-138)				SC					SC	
3.03.500 Retirement Housing Complex				SE					P	
3.04.100 Boardinghouses, Bed and Breakfast, Country Inns (See Section 22-128)			SC	SC		SC	SC		SC	
3.04.101 Emergency Homeless Shelter (See Sec. 138.1) <sup>3</sup>							SC <sup>3</sup>	SC <sup>3</sup>		
3.04.200 Hotels and Motels (See Section 22-135)						PC	PC		PC	PC
3.04.300 Short Term Rentals (See Sec. 22-128.1) <sup>4</sup>		SC <sup>4</sup>	SC <sup>4</sup>	SC <sup>4</sup>		SC <sup>6</sup>				
<b>4.00.000 INSTITUTIONAL/UTILITIES/RECREATION USES</b>										
<b>4.01.000 Educational, cultural, religious, philanthropic, social, fraternal uses</b>										
<b>4.01.100 Schools</b>										
4.01.110 Private elementary and secondary (including pre-school, kindergarten, associated grounds, and athletic, and other facilities)		SE	SE	SE		P	P		P	P
4.01.120 Trade or vocational schools						P	P	P	SE	P
4.01.130 Private colleges, universities, community						SE	SE		P	P

colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)										
4.01.200 Churches, synagogues, and temples and associated buildings, not including elementary or secondary school buildings	P	P	P	P	P	P	P	P	P	P
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)						P	P	P	P	P
4.01.400 Social, fraternal clubs and lodges, union halls; meeting halls and similar uses			SE	SE		P	P	P	P	P
<b>4.02.000 Recreation, Amusement, Entertainment</b>										
<b>4.02.100 Activity conducted entirely within building or substantial structure</b>										
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses, not part of a residential project						P	P	P	P	P
<b>4.02.120 Movie theatres, theatres</b>										

4.02.120.1 Sexually Oriented Businesses (Town Code § 15.1)							PC			
4.02.121 Seating capacity of not more than 300						P	P	P	P	P
4.02.122 Seating capacity up to 1,000							P			P
4.02.130 Coliseums, stadiums							SE			SE
<b>4.02.200 Activity conducted primarily outside enclosed buildings or structures</b>										
4.02.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, not constructed pursuant to permit authorizing the construction of some residential development						P	P	P	P	P
4.02.220 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, approved as part of a residential development (See Section 22-131)				PC					PC	
4.02.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water						PC	PC	PC		PC

slides, batting cages, and similar uses (See Section 22-132)										
4.02.240 Mural Art (See Section 22-147.2)			SE	SE		P	P	P		
<b>4.03.000 Institutional residence or care or confinement facilities</b>										
4.03.100 Hospitals and other inpatient medical (including mental health treatment facilities)						P	P	P	P	P
4.04.000 Fire stations, rescue squad, and/or ambulance service	SE	SE	SE	SE	SE	P	P	P	P	P
<b>4.05.000 Miscellaneous public and semi-public facilities</b>										
<b>4.05.100 Post Office</b>										
4.05.110 Local	SE	SE	SE	SE		P	P	P	P	P
4.05.120 Regional						P	P	P	P	P
4.05.200 Airport/Air Park, private use								P		
4.05.300 Helicopter facilities-heliports and helistops						SE	SE	PC		SE
<b>4.06.000 Public Utilities (including towers and related structures)</b>										
4.06.100 Neighborhood Essential Service	P	P	P	P	P	P	P	P	P	P
4.06.200 Public utility buildings and structures (See Section 22-141)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.300 Antennas and Towers more than 50 feet tall (See Sec. 22-127)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC

4.06.400 Antennas and towers 50 feet tall or less	P	P	P	P	P	P	P	P	P	P
4.07.000 Satellite Dish	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
4.08.000 Cemetery and Crematorium (Municipal)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
<b>4.09.000 Transportation</b>										
4.09.100 Bus Station						P	P	P	P	P
4.09.200 Park and ride facilities						P	P	P	P	P
<b>5.00.000 SERVICE ORIENTED COMMERCIAL USES</b>										
<b>5.01.000 All operations conducted entirely within fully enclosed building</b>										
<b>5.01.100 Operations designed to attract and serve customers or clients on the premises</b>										
5.01.110 Tattoo Parlors and Schools - Body Piercing (Sec 22-147.1) <sup>1</sup>							SC			
5.01.111 General offices (examples are attorneys, architects, engineers, insurance and stock brokers, travel agents, government office buildings, real estate, etc.)						P	P	P	P	P
5.01.112 Personal Services						P	P		P	P
5.01.113 Dry cleaning/laundry and Laundromats						P	P	P	P	P
5.01.114 Banks and financial institutions						P	P		P	P
5.01.115 Business services						P	P	P	P	P
5.01.116 Professional office		SE	SE	SE						

5.01.117 Home Occupation (See Section 22-134)	SC	SC	SC	SC	SC				SC	
5.01.118 Printing and Publishing						P	P	P		P
<b>5.02.000 Operations conducted within and/or outside fully enclosed building</b>										
5.02.100 Construction services and supplies							P	P		P
5.02.200 Funeral homes, cemetery						P	P			P
5.02.300 Animal Boarding Places-Kennels, Veterinarians and Veterinary hospitals (See Section 22-126)						SC	SC			SC
<b>6.00.000 COMMERCIAL USES</b>										
<b>6.01.000 Commercial sales and rental of goods, merchandise, and equipment</b>										
<b>6.01.100 Retail sales</b>										
6.01.110 Convenience stores						P	P		P	
6.01.111 Retail Stores and Shops						P	P		P	
6.01.112 Pet shops (See Section 22-139)						PC	PC		PC	
6.01.113 Antique Shops, Art Galleries						P	P		P	
6.01.114 Retail establishments in Office Buildings (See Sec. 22-141)						PC	PC		PC	
6.01.200 Wholesale sales						P	P	P	P	P
6.01.300 Flea or Open Markets (See Section 22-130)						SC	SC	SC	SC	

6.02.000 Restaurant, standard, fast food, bars, nightclubs, dinner theaters						P	P	SC	P	P
<b>6.03.000 Motor vehicle-related and service operations</b>										
6.03.100 Motor vehicle sales or rental; mobile home sales, farm equipment							P	P		P
6.03.200 Motor vehicle repair and maintenance, fuel sales, car wash, vehicle painting, auto-body work, parts, sales, and installation						P	P	P		P
<b>7.00.000 INDUSTRIAL USES</b>										
<b>7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment</b>										
7.01.100 Bakery, printing publishing, dry cleaning plants, electronic assembly								P		
7.01.200 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shop							P	P		
7.01.210 Shop for furniture construction, finishing, refinishing, and assembly							SC			
7.01.300 Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast or the rendering fats and oils								P		

7.01.400 Saw mills								P		
7.01.500 Alcoholic beverage manufacturing <sup>5</sup>						P	P	P		
7.01.600 Winery								P		
7.01.700 Fertilizer mixing plants								P		
7.01.800 Brick or block manufacturing								P		
7.01.900 Asphalt plants/concrete plants, sand and gravel washing, screening, crushing								P		
<b>7.02.000 Storage and parking</b>										
7.02.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related						P	P	P		P
<b>7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)</b>										
7.02.210 All storage within completely enclosed structures						P	P	P		P
7.02.220 Warehouse storage inside or outside completely enclosed structures								P		
7.02.230 Mini-warehouse (See Section 22-137)							SC	PC		
7.02.240 Storage of petroleum products								SE		

7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot and (ii) parking or storage occupies more than 75 percent of the developed area (contractor's yard)							SE	P		SE
7.03.000 Research facilities, Laboratories						SE	SE	P		P

<sup>1</sup> Town Council Adopted on 1-14-2009

<sup>2</sup> Town Council Amended on 11-13-2012

<sup>3</sup> Town Council Adopted on 4-8-2019

<sup>4</sup> Town Council Adopted on 1-11-2021

<sup>5</sup> Town Council Amended on 4-12-2021

<sup>6</sup> Town Council Amended on 5-10-2021



# MEMORANDUM

## Community Development Division

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To: Town of Tappahannock Planning Commission  
From: Kate Jones, PLA, ASLA, Deputy Planning Director (BG)  
Anna Cherry, Planner II (BG)

Date: September 23, 2024

Subject: Short-Term Rental Regulation Review and Update

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### INTRODUCTION & BACKGROUND

Over the past 6 months, The Town of Tappahannock (the Town) requested recommendations from Berkley Group related to short term rentals (STRs) Specifically, the Town requested a review of their current regulations, current state regulations, and what changes if any should be made to the Town's current STR ordinance. These efforts would assist in ameliorating concerns with recent STR applications and the consideration of existing STR regulations. as they relate to neighborhood character, and other impacts from STR rentals to the Town.

### STATE CODE REGULATIONS

The State of Virginia has enacted enabling legislation that is important to consider before a locality amends or develops potential options for short-term rental regulation. § 15.2-983 of the *Code of Virginia* defines a short-term rental as "the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy."

In April 2024, SB544 was passed amending section § 15.2-983 of the Code of Virginia, relating to short-term rental property; special exceptions. Specifically, Section D comes into play as no local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.

### TOWN OF TAPAHANNOCK REGULATIONS

Currently, short-term rentals are permitted by a Special Exception approved by the Board of Zoning Appeals with conditions in the CC-1, R-2, R-3, R-4, Residential Zoning Districts. The Town's current STR ordinance can be found in Section 22-128.1 and Short-term rentals are defined as: *The provision of room(s) or space(s) that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days in exchange for occupancy.* Regulations and performance standards include:

- Obtain a business license
- Collect and report Transient Lodging Tax to the Town of Tappahannock
- Provide ownership and copy of current general liability insurance
- Rentals are limited to owner-occupied single-family detached dwelling duplexes
- No residential rental property may be sublet to be used as a short-term rental
- Short-term rentals may not be occupied by the same transient visitors for a period of no more than 30 days during any calendar year
- Applicable provisions of the current Uniform Statewide Building Code, and all other applicable laws and regulations shall be met. Shall provide a certificate of compliance from the Essex County Building Official
- Owners shall keep a register for two years which shall include name, address and a copy of a photo identification of all transient visitors
- No sign(s) advertising the conduct of short-term rental is allowed on the outside of the property
- A fully functional smoke detector and carbon monoxide detector shall be installed on each floor of the dwelling
- Shall be located on or adjoining a state-maintained road. Entrance drivers shall be equal to the State construction specifications of the adjoining State Road
- The furnishing of prepared meals and service shall be approved and certified by the local health department

## **RECOMMENDATIONS**

Amend the STR ordinance to better align with state legislation as well as the current conditions within the Town, as well as develop a new STR registry in the general town code section. Key changes include the following: (See Exhibits for proposed amendments and new regulations.)

**Definitions.** Further define short term rentals into two distinct categories; those where the host is present, and those where the owner is not present. Below is an example of two different rental types that could be utilized.

- *Type A* – A residential dwelling unit, where the owner is present and no more than two (2) rooms are used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following the completion of a year's lease.
- *Type B* – A residential dwelling unit, where the owner is not present or three (3) or more rooms are used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following the completion of a year's lease.

**Use Permission.** Due to the recently passed legislation, the town may no longer require a special exception permit for properties where the owner lives on site, and is her/his primary residence. Therefore, this type of STR will be permitted by-right. The Town may still require a special exception for properties where the owner does not live on site.

**Occupancy/Bedroom Limit.** Due to concerns regarding the effect of STRs on the density and character of existing neighborhoods, it is recommended that a bedroom limit and maximum occupancy of 2 persons per bedroom be placed on STRs.

**Parking Requirements.** Commonly, existing parking at dwellings may not be sufficient to accommodate parking associated with short-term rentals, and parking issues are often an issue cited with operating STRs. Regulations should ensure that additional parking is provided for short-term rentals beyond what is normally required for individual dwellings. A common practice is to allow one parking space per bedroom rented. For example, One off-street parking space is required for each sleeping room in addition to the parking spaces for the dwelling. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the neighborhood.

**Prohibitions.** It is important to include regulations that short-term rentals are prohibited in structures not defined as dwellings, specifically prohibiting the use of recreational vehicles, buses, trailers, and similar vehicles. Further, prohibition of events or use of locations as event venues should be addressed, unless specifically permitted as such. Additionally, occupancy of less than overnight or more than 30 consecutive days by the same person(s) should be prohibited.

**Lighting, Signs, and Noise.** Further define conditions and standards related to lighting, signs, and noise.

**Taxes.** The current ordinance requires short-term rental owners to complete, submit, and pay any fees associated with a business license in the Town. ARTICLE V. - TRANSIENT LODGING TAX requires the transient occupancy tax form to be submitted, and any taxes paid for short-term rentals located in the Town. These practices follow the state code provisions.

**Registration Establishment.** It is recommended that a short-term rental registry be established, as allowed by *Code of Virginia* § 15.2-983, and including the following standards:

- The Town Manager will report all registered STRs to the Town Commissioner of the Revenue for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.
- The STR registry should lay out clear guidelines for compliance. At a minimum, if the owner fails to register a property or provide all the

necessary requirements, the STR cannot be offered for rent.

Recommended inclusions are:

- i. Failure to collect and/or remit the transient lodging tax or other business taxes required by the Town
  - ii. 3 or more substantiated complaints (including, but not limited to, noise and excess trash) within a rolling 12-month period.
- Any short-term rental business in violation of the registry regulations, including operation without approval from the Town, is subject to all relevant penalties as set forth by the Town.
  - The Town will request all non-local owners or operators to provide the name and telephone number of a responsible person, who may be the owner, operator, or an agent of the owner or operator, who is available to be contacted and to address conditions occurring at the short-term rental within a reasonable time.

**Wastewater.** Recommend a provision requiring all short-term rentals to meet and conform to all applicable health department codes, including those related to wastewater disposal.

## **CONCLUSION; NEXT STEPS**

For the Planning Commission's review and discussion, four exhibits are included as found below.

### **Attachments:**

- A. Exhibit 1 – Town Updated STR Ordinance
- B. Exhibit 2 – Town Updated Definitions
- C. Exhibit 3 – CHAPTER 792 *An Act to amend and reenact § 15.2-983* of the Code of Virginia, relating to short-term rental property; special exceptions
- D. Exhibit 4 – Town proposed STR registry regulations

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## Sec. 22-128.1. Short-Term Rental (3.04.300). **Type A or Partial House Rental**

The Board of Zoning Appeals Zoning Administrator may permit a Short-Term Rental as a Special Exception with Conditions in the CC-1, R-2, R-3 R-4 Residential Zoning Districts subject to the following:

a. No property owner shall operate or advertise a residential property for a short-term rental without a Short-Term Rental Permit issued by the Zoning Administrator or their designee. A Short-Term Rental Permit is required at a price set by Town Council or their designee.

~~a. b. After approval of rental shall~~ The property owner shall register the property according to the regulations set forth in Town Code Chapter 62.

~~d. Rentals are limited to owner-occupied single family detached dwelling and duplexes.~~

~~e. No property being used as a residential rental property may be sublet to be used as a short term rental.~~

c. The property owner must be living on site as his/her primary residence.

d. The short term rental shall be limited to 2 bedrooms rented out, and a maximum occupancy is 2 persons per bedroom.

e. The short term rental shall provide (1) one parking space per bedroom. Parking space requirements shall meet all town standards.

f. Short Term Rentals shall not be used as an event venue unless permitted as such.

g. Noise shall be in compliance with Town Code Section Chapter 22 Article II Sound Control.

h. Lighting shall be in compliance with the Town's zoning standards.

~~f. Short term rentals may not be occupied by the same transient visitors for a period of no more than 30 days during any calendar year.~~

~~i. g.~~ Applicable provisions of the current Uniform Statewide Building Code, and all other applicable laws and regulations shall be met, including the Virginia Department of Health wastewater provisions. Shall provide a certificate of compliance from the Essex County Building Official.

~~j. Owners shall keep a register for two years which shall include name, address and a copy of a photo identification of all transient visitors.~~

~~ji.~~ No sign(s) advertising the conduct of short-term rental is allowed on the outside of the property.

~~j. A fully functional smoke detector and carbon monoxide detector shall be installed on each floor of the dwelling.~~

k. The Zoning Administrator shall have the authority to revoke a Short-Term Rental Permit if there are three (3) or more substantiated complaints, zoning or building violations. or any illegal activities within a twelve (12) month time period.

~~k. Shall be located on or adjoining a state maintained road. Entrance drivers shall be equal to the State construction specifications of the adjoining State Road.~~

~~l. The furnishing of prepared meals and service shall be approved and certified by the local health department.~~

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(Town Council Adopted on 1-11-2021; Town Council Amended on 5-10-2021)

**Sec. 22-128.2. Short-Term Rental (3.04.300). Type B or Whole House Rental**

The Board of Zoning Appeals may permit a Short-Term Rental as a Special Exception with Conditions in the CC-1, R2, R-3 R-4 Residential Zoning Districts, and shall be subject to the following:

- a. If the operator of a short-term rental does not live within 30 miles of the Town, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance. If the party responsible changes, no rentals shall occur until the Town of Tappahannock is notified and acknowledges receipt of such a change.
- b. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging at the subject location.
- c. The property owner shall register the property according to the regulations set forth in Town Code Chapter 62 Short Term Rental Registration.
- d. The short term rental operator shall provide record of ownership ,or permission from the owner, if applicable, and a copy of current general liability insurance.
- e. Applicable provisions of the current Uniform Statewide Building Code, and all other applicable laws and regulations shall be met, including the Virginia Department of Health wastewater provisions. Shall provide a certificate of compliance from the Essex County Building Official.
- f. The short term rental shall be limited to 5 bedrooms, with a maximum occupancy of 10 persons.
- g. No sign(s) advertising the conduct of short-term rental is allowed on the outside of the property.
- h. Noise shall be in compliance with Town Code Section Chapter 22 Article II Sound Control.
- i. Lighting shall be in compliance with the Town's zoning standards.
- j. The short term rental shall provide (1) one parking space per bedroom. Parking space requirements shall meet all town standards.
- k. The Zoning Administrator shall have the authority to revoke a Short-Term Rental Permit if there are three (3) or more substantiated complaints, zoning or building violations. or any illegal activities within a twelve (12) month time period.

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### Sec. 22-15.3. Specific definitions.

**Accessory Apartment.** (See [Section] 22-140.)

**Accessory building, use, or structure.** A subordinate building, use of land, structure, or a portion of a main building or use which is clearly incidental to or customarily found in connection with a and located on same lot, or contiguous lots as the principal use of the premises and in the same ownership as the principal use.

**Acreage.** Gross. A unit measure, the total land area to be developed including rights-of-way, easements and land set aside for public purpose.

**Agriculture.** Any activity involving the growing or raising of food or raw material by tilling the soil, raising crops, keeping or raising of animals and including incidental agricultural business, as fruit packing plants, dairies, or similar uses.

**Airport, Commercial.** An area of land or water which is used, or intended for private or public use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon.

**Airport, Licensed.** The Tappahannock Municipal Airport and the Essex County Airport.

**Airport Approach Surface.** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Article IX, Part III of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

**Airport Approach, Transitional, Horizontal, and Conical Zones.** The airspace zones as set forth in Article IX, Part III of this ordinance.

**Airport Conical Surface.** A surface extending horizontally 20 feet for every one foot vertically from the periphery of the horizontal surface.

**Airport Elevation.** The highest point on any usable landing surface expressed in feet above mean sea level.

**Airport Horizontal Surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

**Airport Primary Surface.** A surface, with a specified width as provided in Section 22-3 of this ordinance, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Airport Safety Obstruction.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Article IX, Part III of this ordinance.

**Airport Transitional Surfaces.** Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

**Airport Zones.** All areas provided for in Article IX, Part III of this ordinance, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Article IX, Part III of this ordinance.

**Alteration.** Any change in the supporting members of a building or structure including bearing walls, partitions, columns, beams, girders or similar parts of a building structure; or change in the total floor area or use of an existing building or structure.

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**Alley.** A right-of-way that provides secondary service access for vehicles to the side or rear of abutting properties.

**Amend or Amendments.** Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto.

**Amusement enterprises.** Establishments in which a principal use is in the operation of mechanical, electronic, and/or coin-operated games and/or devices for the general amusement of the public. This definition shall include pool halls and billiard parlors.

**Antenna.** Equipment designed to transmit or receive electronic signals.

**Apartment.** A building containing three or more dwelling units for rent.

**Application.** A written request for a zoning permit, an amendment, Special Exception or for action by the Board of Zoning Appeals which has been properly executed on forms supplied by the Zoning Administrator or Zoning and Code Compliance Officer.

**Automobile Repair Service.** Buildings and premises where the following services may be provided and sales made:

- A. Major mechanical and body work
- B. Straightening of frames and body parts
- C. Steam cleaning, painting, and welding
- D. Upholstering and replacement of glass

**Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**Basement.** That portion of a building below the first-floor joists at least one-half of whose clear ceiling height is below the mean level of the adjacent ground and with a floor-to-ceiling height of not less than six and one-half feet.

**Bed and Breakfast Home.** "Bed and breakfast home" or "tourist home" means a single-family, owner occupied dwelling for the lodging of up to four transient guests at any one time, none of whom remain for more than seven consecutive nights each, and that provide no food or beverage service for the transient guests other than for breakfast provided in the area of the dwelling that are generally used by the resident family for the consumption of food.

**Best Management Practices or "BMPs."** Means a practice, or a combination of practices, that is determined by a State or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point resources to a level compatible with water quality goals.

**Board, The.** Refers to The Board of Zoning Appeals of Tappahannock, Virginia.

**Boarding House or Rooming House.** A residential use consisting of at least one dwelling unit and where meals and/or lodging for compensation are provided for three or more persons. A rooming house or boarding house is distinguished from a bed and breakfast home or a tourist home in that the former is designed to be occupied by longer-term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

**Body Piercing Salon.** Means any place in which a fee is charged for the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. "Body piercing" does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or ear lobe of the ear or both.

**Buffer.** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

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**Building.** Any structure having a roof supported by columns, walls, or other means.

**Building, Accessory.** A minor building that is located in the side or rear yard on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

**Building Area.** The area of that part of the lot not included within the open spaces herein required.

**Building, Completely Enclosed.** Any building having no outside openings other than ordinary doors, windows, and ventilators.

**Building Coverage; (Lot Coverage).** That percentage of a lot which, when viewed from above, would be covered by a structure or structures or any part thereof, including roof eaves and steps.

**Building, floor area of.** The total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

**Building, height of.** The vertical distance measured from the average grade to the highest point of the roof surface. On corner lots exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade.

**Building line.** A line beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project.

**Building, Main.** A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be main building on the lot on which the same is located if the lot is used primarily for residential purposes.

**Building, Public.** A building, or part thereof, owned or leased and occupied by an agency or political subdivision of the United States of America, the Commonwealth of Virginia, the County of Essex, or the Town of Tappahannock.

**Building, Semipublic.** A building part, or part thereof, owned or leased and occupied by a nonprofit organization and which is primarily used for nonprofit activities.

**Building setback line, required.** That line which is the minimum distance between any property line, right-of-way, or protected feature and that establishes the area within which the principal structure must be erected or placed.

**Campground.** Any lot or land used, maintained, or held out to be public as a place for use for camping or lodging purposes, whether equipped with tents, tent houses, huts, cabins, cottages, campers, or trailers, or not so equipped, and by whatever name the same may be called, whether any fee is charged for the use thereof or not.

**Camper park.** Any site, lot, parcel or tract of land which is improved, used or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping or recreational purposes.

**Cellar.** A space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less and six and one-half feet.

**Central Sewer System.** A publicly or privately owned sewer system, approved by either the State Department of Health or the State Water Control Board, which serves five or more dwelling units or other structures, and which consists of collection and transmission lines or mains, pumping stations, if necessary, and a sewage treatment and disposal facility. Such system functions by transmission of sewage away from the points of origin, collection and treatment of the sewage treatment facility which is not located on any of the lots or parcels served by the system, and disposal or discharge of the treated effluent either on land or in surface waters.

**Certify.** Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the Town, the Town may require that such certification be made in any manner that provides

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reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the Town may accept certification by telephone from some agency when the circumstances warrant it, or the Town may require that the certification be in the form of a letter or other document.

**Central Water System.** A publicly or privately owned water system which meets State Department of Health requirements for an approved water supply, and which serves five or more dwelling units or other structures. Such system consists of a well or wells which are not located on any of the lots or parcels served by the system, pump houses, transmission lines or mains, and storage tanks, if necessary.

**Chesapeake Bay Preservation Area or CBPA.** Means any land designated by the Tappahannock Town Council, pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC 10-20-70 et. Seq., and Code of Virginia (1950), § 10.1-2107, as amended. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area and a Resource Management Area.

**Chesapeake Bay Preservation Area (CBPA) Buffer Area.** Means an area of natural or established vegetation managed to protect other components of a Resource Protection Area and State waters from significant degradation due to land disturbances.

**Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

**Clinic.** An establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

**Club and Lodges.** A building or portion thereof or premises owned or operated for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not for profit or to render a service which is customarily carried on as a business.

**Coliseum.** A large building, amphitheater or stadium used for sports events, shows, exhibitions, etc.

**Combination Use.** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, [Section] 22-125. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established, See [Section] 22-124. In addition, when two or more separately owned or separately operated enterprises occupy the same lot and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

**Commission, The.** Refers to The Town of Tappahannock Planning Commission.

**Community Center.** A building, group of buildings or other place designed and/or used for the cultural, educational, and/or recreational activities of the inhabitant of a definable geographic area and not operated for profit.

**Construction Footprint.** Means the area of all impervious surface, including, but not limited to, buildings, road and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

**Construction Equipment Yard.** An establishment where equipment including, construction machinery, equipment vehicles, and other material used for construction purposes is stored and/or maintained.

**Convalescent, Nursing or Rest Home.** Any institution however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for persons admitted thereto for the purpose of nursing or convalescent care. Nursing and convalescent care includes care given because of prolonged illness or defect or during the recovery from injury or disease, and includes any and all of the procedures commonly employed in waiting on the sick, such as administration of medicine, preparation of special diets, giving of bedside care, application of dressing and bandages, and carrying out of treatments prescribed by a duly licensed practitioner of medicine. Nursing care and medical supervision is provided at a lower level than that available in a hospital.

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**Convenience Store.** A retail store less than 5,000 square feet that is designed and stocked to sell primarily food, fuel, beverages, and other household supplies to customers who purchase only a relatively few items. It is designed to attract, and depends upon a large volume of, stop-and-go traffic.

**Courtyard.** An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

**Country Inn.** A single-family, manager occupied dwelling that:

**A.** Provides nightly lodging for up to 20 transient guests in no more than eight rooms with no one guest remaining for more than 14 consecutive nights.

**B.** May provide meals for the transient guests in the area or areas customarily used by a single family for dining in the structure.

Detached buildings located on the same property may be used to provide additional guest rooms, provided that no more than eight guest rooms are used at any one time and rooms are also offered in the single family, manager occupied dwelling on the property.

**Day Care Center.** A building and premises used to provide supervision and/or instruction of nonresidents and where meals, toilet facilities, and recreation facilities are provided.

**Density.** The number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.

**Developer.** A person who is responsible for any undertaking that requires a zoning permit.

**Development.** The construction, or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures.

**Diameter at Breast Height or "DBH."** Means the diameter of a tree measured outside the bark at a point four and one-half feet above ground.

**Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

**District.** A part, zone, or geographic area within the municipality within certain zoning regulations.

**Drive-in establishment.** A place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or beverage obtained from a carryout window in automobiles or elsewhere on the premises.

**Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**Dustless surface.** A surface adequately covered, in accordance with good construction standards, with a minimum of either two applications of bituminous surface treatment, concrete, or bituminous concrete, or equivalent paving material approved by the Zoning Administrator or Zoning and Code Compliance Officer and maintained in good condition at all times.

**Dwelling.** A building or portion thereof, designed or used exclusively for residential occupancy, but not including boats, trailers, mobile homes, motor homes, hotels, motels, motor lodges, tourist courts, or tourist homes, or accessory buildings.

**Dwelling, Attached.** A dwelling, which is joined to another dwelling at one or more sides by a part wall or walls.

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**Dwelling, Detached Single-Family.** A single-family dwelling entirely surrounded by a yard or other separation from other main buildings on the same lot or on adjacent lots. The term "single-family dwelling" as used in this ordinance shall be considered to mean a detached single-family dwelling.

**Dwelling, Duplex.** Two single-family dwellings attached by a common vertical wall without openings between them and with separate entrances for each dwelling unit used as a two-family residence in which the dwelling units share a common wall (including, without limitation, the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

**Dwelling, industrialized building unit (modular home).** A building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilation, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units, and not designated for ready removal to or installation or erection on another site. For the purpose of this ordinance, an industrialized building unit shall be deemed a single-family dwelling and shall not be deemed a mobile home dwelling.

**Dwelling, Manufactured home (mobile home).** A structure subject to federal regulatory standards (42 U.S.C. section 5401, the National Manufactured Home Construction and Safety Standards Act), which is transportable in one or more sections; is eight feet or more in width with a body 40 feet or more in length in traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Dwelling, Multi-Family.** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). For purposes of this Ordinance, a multi-family residence is a structure arranged or designed to be occupied by three or more families on a single parcel or on contiguous parcels under the same ownership. Density for Multi-family dwellings shall be as per provisions of this ordinance.

**Dwelling, Multi-Family Townhouse.** A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. For purposes of this Ordinance, a townhouse is defined as one of a group of attached, single family dwellings, which are designed as single structures, with each dwelling unit separated by firewalls, fire separations, or similar party wall. No more than eight dwelling units shall be attached.

**Dwelling, Single-Family.** A residential building designed for or occupied exclusively by one family.

**Dwelling, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**Emergency Homeless Shelter.** Housing with minimal supportive services for homeless persons that is intended for occupancy or services during the four months (From November 1 to March 1) or during extreme weather conditions in a given year.

(Town Council Adopted on 4-8-2019)

**Family.** One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**Flea Market/Antique Market.** A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling or auctioning of

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goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not include private garage and private yard sales

**Floodplain.** Means all lands that would be inundated by flood water as a result of a storm event of a 100-year return interval.

**Floor Area.** For the purpose of determining the number of off-street parking spaces required by this Ordinance, floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls,

**Foundation, Permanent.** A wall below the floor nearest grade serving as a support. For the purpose of this Ordinance a permanent foundation shall include a perimeter wall, piers, and/or columns.

**Frontage.** The length of all property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street; or, if dead-ended, then all of the property abutting on one side between an intersection street and dead end of the same.

**Garage, Commercial.** A building or portion thereof, other than a private garage, designed or used for repairing, servicing, quipping, or storing motor vehicles in exchange for compensation.

**Garage, Private.** An accessory building intended for storage of motor vehicles, which are owned and used by the occupants of the dwelling unit.

**Golf Course.** An area publicly or privately owned, on which the game of golf is played, containing at least nine holes; together with such necessary and usual accessory uses as a club house, caretakers' dwellings, dining and refreshment facilities, and other such uses, provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

**Golf Driving Range.** An area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

**Governing Body.** Refers to The Tappahannock Town Council of Tappahannock, Virginia.

**Gross Floor Area.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**Group Care Facility.** A building or group of buildings containing one or more dwellings units designed and/or used for housing mentally retarded or otherwise developmentally disabled persons.

**Group Home, Private.** A home for not more than eight people who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two people providing supervision and other services to such persons, all of who live together as a single housekeeping unit.

**Hazard to Air Navigation.** An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

**Highly Erodible Soils.** Means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula  $RKLS/T$ , where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

**Highly Permeable Soils.** Means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soil Survey Handbook" of November 1996, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resources Conservation Service.

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**Home Occupation.** An occupation, profession, or activity conducted by the occupant of a dwelling which is incidental and secondary to the use of the premises for dwelling purposes, provided that.

- A. The home occupation is contained wholly within the principal building;
- B. There is no exterior sign or indication of the home occupation except for one permitted sign not to exceed four square feet in area;
- C. No alteration is made to the exterior of the principal building;
- D. No outside display or storage of equipment or materials used in conjunction with the occupation shall be permitted;
- E. No more than one person not a member of the family living on the premises shall be employed in the occupation;
- F. The occupation shall not generate more noise, smoke, fumes, glare, traffic or fire hazards than uses permitted in the same District;
- G. The occupation shall not occupy more than 25 percent of the floor area of the principal structure.

**Hospital.** Any institution receiving in-patients and rendering medical, surgical, and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics.

**Hotel, Motel, Motor Court, Tourist Court or Motor Lodge.** A building in which lodging or boarding and lodging are provided for persons, primarily transient and offered to the public for compensation and in which room assignments are made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to keeping of boarders or roomers, or a multiple-family dwelling which is herein separately defined. A hotel or motel may include restaurants, taverns or club rooms, public banquet halls, ballrooms, and meeting rooms.

**Hydric Soils.** Means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophylic vegetation.

**Impervious Cover.** Means a surface composed on any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

**Junkyard.** Any establishment or place of business which is maintained, operated or used for storage, keeping, buying, or selling old scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked or dismantled or wrecked automobiles, or parts thereof, iron or steel, and other old or scrap materials, operation of a automobile graveyard.

**Kennel, Commercial.** Any place which is equipped and/or used to house, board, breed, handle, train, or otherwise care for three or more dogs for sale or in return for compensation.

**Laundry Service.** Establishment that provides services to individual customers for the washing, dying, and/or ironing of clothes. This definition shall include coin operated and self-service facilities.

**Livestock Market.** A commercial establishment wherein livestock is collected for sale and auctioned off.

**Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of [Section] 22-208.

**Loading Space.** Any off-street space available for loading or unloading of goods from a truck or similar vehicle.

**Lot.** A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of

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this ordinance, having at least the minimum area required by this ordinance for a lot in the zone in which such lot is situated.

**Lot, Corner.** A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

**Lot Coverage.** The computed ground area occupied by all buildings within a lot.

**Lot, Depth of.** The average horizontal distance between the front and rear lot lines, measured along a straight line.

**Lot, Frontage.** The distance from which the front boundary line of the lot coincides with the abutting street or road. Yards shall be provided as indicated under Yards in this section.

**Lot, Interior.** A lot other than a corner lot but including a through lot.

**Lot Lines.** The property lines bounding the lot.

**Lot Line, front.** That boundary of a lot which is along an existing private or dedicated public street, or where no public street exists, is along a public way. In the case of a corner lot, both boundaries along a public way shall be considered front lot lines.

**Lot Line, Rear.** Any boundary of a lot which is neither a front lot line nor a side lot line.

**Lot Line, Side.** Any boundary of a lot which is neither a front lot line nor a rear lot line.

**Lot of Record.** A lot which has been recorded in the Circuit Court Clerk's Office of Essex County.

**Lot, Through.** An interior lot, fronting on two parallel or approximately parallel streets.

**Lot Width.** The horizontal distance between the side lot lines of a lot measured at the front and rear yard setback lines. The front and rear line shall be at least the minimum required by this Ordinance, but may be greater.

**Manufacture, Manufacturing.** The process of converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for different purpose.

**Manufactured home.** (See "Dwelling, manufactured home.")

**Marina, commercial.** Dock or similar structure, which provides for boat mooring and related services to the general public for a fee.

**Marina, private.** A dock or similar structure, which provides for boat moorings and related services for private use only.

**Manufactured Home Park.** Any area of land designed to accommodate two or more manufactured homes intended for residential use where residence is in manufactured homes exclusively. For the purposes of this ordinance, the terms "manufactured home park" and "Manufactured Home Park District (MH-I)."

**Modular home.** (See "Dwelling, industrialized building unit.")

**Motor vehicle sales.** Storage and display for sale of more than one motor vehicle or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales.

**Neighborhood, Essential Services.** Any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

**Nonconforming Building.** A structure which, due to excessive height or its location on lot, does not comply with the requirements of the district in which it is located.

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**Nonconforming Lot.** An otherwise legally 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 result of subsequent amendments to this ordinance.

**Nonconforming Project.** Any structure, development, or undertaking that is incomplete at the effective date and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

**Nonconforming Sign.** A sign that, on the effective date of this chapter does not conform to one or more of the regulations set forth in this ordinance, particularly Article XVI.

**Nonconforming Situation.** A situation that occurs when, on the effective date of this chapter, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter. Nonconforming signs shall not be regarded as nonconforming situations for purposes of Article VIII but shall be governed by the provisions of Sections 22-186 and 22-187.

**Nonconforming Structure.** A otherwise legal building or structure that does not conform with the lot area, yard, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to Article VIII.

**Nonconforming Use.** An otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to Article VIII.

**Nonconformity, Dimensional.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

**Non-point Source Pollution.** Means pollution consisting of constituents such as sediment, nutrients, organic, and toxic substances from diffuse sources, such as runoff from agricultural and urban land development and use.

**Nontidal Wetlands.** Means those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances support a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency, pursuant to Section 404 of the Federal Clean Water Act, in 33 C.F.R.328,3b.

**Noxious Weeds.** Means weeds that are difficult to control effectively, such as Johnsongrass, Kudzu, and multiflora rose.

**Occupancy, Certificate of.** The certificate issued by the Building Official, after approval by the Administrator, which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of the law for the use and occupancy of the building as specified in the Building Code and in this Ordinance.

**Office, General.** An office for the use of (1) professional people such as doctors, lawyers, accountants, etc., or (2) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

**Office Park.** A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designated, planned, constructed and managed on an integrated and coordinated basis.

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**Office, Professional.** A structure used for professional office purposes by any member of a recognized profession, including doctors, lawyers, architects, accountants, engineers, and medically related offices. Professional offices do not include general business offices, such as the offices of insurance companies, trade associations, manufacturing companies, investment concerns, banks or real estate companies.

**Office, Professional—Residential.** The office, studio, or occupational room used by one of the following licensed professions: doctor, dentist, lawyer, architect, surveyor, engineer, real estate broker, provided no other persons are engaged in the occupation except two employees of the principal practitioner, and provided such use is incidental to and subordinate to residential use and is conducted within a building retaining the residential character of the neighborhood.

**Off-Street Parking Area.** Space provided for vehicular parking not on a street or roadway.

**On-site Sewer.** A septic tank or similar installation, approved by the State Department of Health, located on an individual lot or parcel and serving a single dwelling unit or other structure located on that lot, which provides proper and safe treatment and disposal of sewage.

**Parapet.** The extension of the main walls of a building above the roof.

**Parking Area, Lot, or Structure.** A structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

**Parking Area Aisles.** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

**Parking Space.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

**Permit, Sign.** A permit issued by the land-use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

**Personal commercial services.** Small retail establishments which serve the regular needs of the immediate community including, but not limited to, hair stylists, laundry and dry-cleaning, pharmacy, specialty food services, florists.

**Petroleum Storage.** The keeping of gasoline, oil, and/or grease and related products in quantities

**Pharmacy.** A place where drugs and medicines are prepared and dispensed.

**Pier, commercial.** A wharf, dock, quay or other structure which provides access to or from a body of water from land for recreational or commercial activity where a user fee is required or the use of the pier involves goods which are introduced into commerce.

**Pier, private.** A wharf, dock, quay, or other structure, which provides access to or from a body of water from land for private use.

**Plan of Development.** Means the process for site plan or subdivision plat review to ensure compliance with Code of Virginia (1950), § 10.1-2109, as amended, and this Article, prior to any clearing or grading of a site or the issuance of a building permit.

**Porch.** A roofed open area, which may be screened, usually attached to a part of and with direct access to or from a building.

**Premises.** A lot or parcel, together with any building or structure thereon.

**Primary Highway.** A highway designated as a State Primary Highway or U.S. Highway by the Virginia Department of Transportation.

**Private Landing Area.** An area for landing aircraft which has been constructed by a person for private use and which is not open to the general public.

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**Property Lines.** The lines bounding a zoning lot, as defined herein.

**Public Health Clinic.** A building or complex in which physicians or dentists, or both, and nurses offer diagnosis and treatment to the sick and injured. A clinic shall not include inpatient care.

**Public Way.** Any sidewalk, street, alley, highway, or other public thoroughfare.

**Public Water and Sewerage Systems.** A water or sewerage system owned and operated by the Town or an authority or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

**Recreation Facility.** A place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

**Redevelopment.** Means the process of developing land that is or has been previously developed.

**Regulations.** The whole body of regulations, text, charts, tables, diagrams, maps, notations, references, and symbols contained or referred to in this Ordinance.

**Repair Service Establishment.** Any building wherein the primary occupation is the repair and general service of common appliances such as musical instruments, sewing machines, televisions, radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators, and lawn mowers not exceeding 30 horsepower; or any building wherein the primary occupation is interior decorating, including reupholstering and the making of draperies, slipcovers and other similar articles. All activities, including storage, must be within an enclosed building.

**Required Open Space.** Any space in any front, side, or rear yard, excluding required off-street parking areas.

**Residence, Commercial Apartment.** A multi-family residence located above and or behind the principal commercial use.

**Residence, Primary with Accessory Apartment.** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

**Resource Management Area or "RMA."** Means that component of the Chesapeake Bay Preservation Area that is not classified as the Resource Protection Area. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.

**Resource Protection Area or "RPA."** Means that component of the Chesapeake Bay Preservation Area comprised of land adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological land biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of State waters.

**Restaurants.**

- A. **Restaurant, standard.** A food-serving establishment whose principal business is the sale of food, and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
- B. **Restaurant, fast food.** An establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.
- C. **Restaurant, fast food cafeteria.** Any establishment where ready-to-eat food is available upon a short waiting time and served to customers on a tray through a cafeteria line for consumption at a table, booth, or counter inside the establishment.

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- D. **Restaurant, fast food carryout.** Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so it can readily be eaten away from the premises, as there are no facilities for on premises consumption of food.
- E. **Restaurant, drive-in or drive-thru.** Any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

**Retail Stores and Shops.** Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchasers.

**Right-of-way.** A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, and bridges.

**Roads, Public.** Any vehicular way designed or used primarily for automobile traffic that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law as a proposed state, county, or municipal roadway; or (3) is approved by other official action by the Commonwealth of Virginia or the Town of Tappahannock as a state or municipal roadway. For the purposes of Article IX, Part II public roads shall be further defined as: (4) a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, (VDOT), including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Code of Virginia, § 10.1-560 et seq.) and (ii) the Virginia Stormwater Management Act (Code of Virginia, § 10.1-603.1 et seq.). This definition includes those roads where the VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the Town of Tappahannock in accordance with Town standards.

**Runway.** A specified area on an airport prepared for landing and takeoff of aircraft.

**Sand, Gravel, or Soil Operations.** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of sand, gravel, stone, or soil conducted as an integral part of or connected with any full or part-time ongoing business or industry. Any such operations conducted by or for the State Department of Transportation in connection with highway construction or maintenance are excluded from this definition and are not subject to the regulations and restrictions of this Ordinance.

**Sawmill.** A permanently located mill or machine for sawing, planning, or otherwise converting logs into marketable wood products, and including any office or accessory building and storage areas.

**Seat.** For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**Secondary Highway.** A highway designated as a State Secondary Highway by the Virginia Department of Highways and Transportation.

**Setback.** The minimum distance by which any regulated activity must be separated from any property line, right-of-way, or protected feature.

**Sexual Oriented Business.** An adult arcade, adult bookstore, adult novelty store, adult video store, adult live entertainment, adult motel, adult movie theater, adult theater, escort agency, massage parlor, nude model studio, or sexual encounter center.

**Short-term Rentals, Partial Unit (Type A).** ~~The provision of room(s) or space(s) that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days in exchange for occupancy.~~ **A residential dwelling unit, where the owner is present, as his/her primary residence, and**

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the unit is partially used to rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following the completion of a year's lease. A transient lodging tax will be collected, and a business license required.

**Short Term Rental, Whole Unit (Type B).** A residential dwelling unit, where the owner is not present, and the unit is advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following the completion of a year's lease. A transient lodging tax will be collected, and a business license required.

**Short Term Rental Operator.** means the proprietor of any dwelling, lodging, or sleeping accommodation offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

(Town Council Adopted on 1-11-2021; Town Council on 5-10-2021)

**Sign.** A sign is any identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

**Sign, Billboard.** An off-premises sign, not to exceed 50 square feet in area, owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

**Sign, Building.** This is a sign that is attached to or painted on a building for the sole purpose of identifying the activity on the lot or premises (i.e. name of the business, building, etc.) or if the building houses more than one tenant with one entrance/exit, then it can be sign used to identify each tenant housed in the building as well as the name of the building. Suspended signs and canopies are considered to be a building sign.

**Sign, Building/Professional Center Identification.** An individual sign, for tenants of an office building or professional center (i.e., Business Park) where each tenant has their own entrance and exit. Identification signs are not internally illuminated, bear no advertising, and do not exceed four square feet.

**Sign, Church Bulletin Board or Identification.** An external sign up to 16 square feet in area on church property which identifies the church on the premises of which it is located and which contains the name of the church, the names of the individuals connected with in and general announcements of events or activities occurring at the church or similar messages.

**Sign, Directional—External.** Signs up to 16 square feet in area and at least five feet from any street right-of-way for the sole purpose of giving directions to specified churches, community buildings, or business establishments.

**Sign, Directional—Internal.** A sign up to four square feet in area for the purpose of directing traffic within private property which is not internally illuminated and do not bear any advertising matter.

**Sign, Electronic.** A sign containing light emitting diodes (LED), fiber optics, light bulbs, plasma display screens or other illumination devices or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals used to change the message's intensity of light or colors displayed by such. Allowed in conjunction with public schools or other approved government uses in any zoning district.

(Town Council Adopted on 5-8-2017)

**Sign, Governmental.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulation.

**Sign, Hunting, Fishing, or Trespassing.** A sign up to one and one half square feet in area erected for the purpose of informing individuals of the ability to hunt, fish, or enter onto the property on which the sign is located.

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**Sign, Freestanding.** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Freestanding signs are erected on the same lot as the activity identified for the purpose of identifying the activity on the lot or premises (name of business, hours of operation, etc.). A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

**Sign, Internally Illuminated.** Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally illuminated signs.

**Sign, Marquee.** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance. A marquee sign does not project above, below, or beyond the awning, canopy or marquee.

**Sign, Menu.** A freestanding sign no more than 25 square feet in area and less than seven feet in height used for the purposes of advertising a carry out food product at a fast food restaurant. Menu signs are located along the drive-through/carryout lane no more than ten feet from the structure selling the food.

**Sign, Off-Premises.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other noncommercial message shall also be an off-premises.

**Sign, On-Premises.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**Sign, Portable/Moveable.** A sign that is not permanently attached to, erected on, or supported by some structure (such as a pole, building, mast, frame, or other structure) and is manufactured or constructed with the intent that the sign can be moved or relocated with ease.

**Sign, Projecting.** A sign which is attached to and projects more than 18 inches from the face of a wall or from any other location on the structure (e.g., a porch or foyer).

**Sign, Public or Private School.** A sign shall not exceed 32 square feet in area and shall not be internally illuminated in order to identify a school facility

**Sign, Public Utility.** A sign, noncommercial in nature, indicating the presence of a public utility overhead or underground in the area.

**Sign, Residential Identification.** A sign up to three feet in area, which is customarily associated with residential use and are not of a commercial nature, such as (1) signs giving property identification names or numbers or names of occupants and (2) signs on mailboxes or newspaper tubes.

**Sign, Roadside Produce Stand.** A sign not internally illuminated up to eight square feet in area erected on a lot for the sole purpose of advertising produce to be sold. A roadside produce sign stand may be portable and not on display when the stand is not in operation, or it may be freestanding.

**Sign, Sandwich.** A portable sign, not internally illuminated, up to eight square feet in area that is put out at the beginning of each day when such activity opens for business and must be brought in at the end of each day at the close of business. Sandwich signs are not used for any other reason than for the intended purpose such as the

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advertisement of a sale, menu, etc. (i.e., is not used to express political or religious agendas, negative campaigns, sexual preferences, slandering other businesses, etc.).

**Sign, Shopping Center/Industrial Park Identification.** A single building sign up to 50 square feet for each shopping center or industrial park tenant which may be internally illuminated.

**Sign, Subdivision and Multi-family Entrance.** A combination of one or two signs up to 16 square feet each which is placed at any entrance to a residential subdivision or multi-family development.

**Sign, Temporary.** A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

**Sign, Temporary—Banner.** A banner is a temporary sign bearing information such as advertising a product or service at the location in which it is being offered or sold, and not a special event. Such sign must be attached to a building and shall not be attached to a freestanding sign, a utility pole, or a highway sign. One unilluminated sign can be displayed twice a year, for a period no longer than 30 days. Maximum square footage is 32 square feet in area.

(Town Council Amended on 5-8-2017)

**Sign, Temporary—Construction Site Identification.** A temporary sign during the period of construction, not illuminated and up to 32 square feet in area, erected and maintained on a lot where a project is being done to identify the project, the owner or developer, architect, engineer, contractor and subcontractors, and funding resources and may contain information including, but not limited to, sale or leasing information. Construction Site Identification signs are removed within ten days of issuance of the final occupancy permit.

**Sign, Temporary—Election.** A temporary sign up to 16 square feet in area and is not internally illuminated that is erected in connection with an election or political campaign.

**Sign, Temporary—Sail or Feather Flag.** A temporary sign no more than 32 square feet in area and no more than 12 feet in height supported by a single pole in the ground. Shall be removed after 30 days. Cannot be placed in the right-of-way, must be kept in good condition and well maintained. One flag per business.

(Town Council Adopted on 5-8-2017; Town Council Amended on 9-10-2018)

**Sign, Temporary—For Sale Signs (non-Real Estate signs).** A temporary sign not internally illuminated up to one and one half square feet in area erected for the purpose of advertising personal property for sale (i.e., car, building for sale by owner, etc.) attached to or near the property that is for sale.

**Signs, Temporary—Holiday display or sign.** A temporary display or sign, including lights that is erected in connection with the observance of a holiday.

**Sign, Temporary—Real Estate.** A temporary sign up to four square feet in area that contains the message that the real estate on which the sign is located (including building) is for sale, lease, or rent, together with information identifying the owner or agent which is removed immediately after the sale, rental or leasing of the property.

**Sign, Temporary—Special Event.** A temporary sign (to include banners) up to 16 square feet in area for the purpose of indicating that a special event such as a grand opening, special sale, fair, carnival, festival, or similar event is to take place on the lot where the sign is located. Special event signs are not erected sooner than two weeks before the event do not remain erected later than three days after the event.

**Sign, Temporary—Yard/Garage/Estate Sale.** A temporary sign, not internally illuminated up to one- and one-half square feet, erected on a piece of property for the purpose of advertising a yard/garage/estate sale.

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**Silvicultural Activities.** Forest management activities, including, but not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester pursuant to Code of Virginia, § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia, § 58.1-3230.

**Site Plan.** A drawing illustrating a proposed development and prepared in accordance with the specifications of this Ordinance.

**Special Events.** Grand openings, special sales, circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but not longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Special Exception.** A permit issued by the Board of Zoning Appeals that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board.

**Special Exception Permit.** A permit issued by the Administrator upon approval by the Board to allow a special exception to be established within a district.

**Storage.** The keeping, either indoors or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession.

**Storm water Management.**

- A. For quantitative control, a system of vegetative and/or structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and
- B. For qualitative control, a system of vegetative, structural, and/or other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

**Story.** That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above the space between the floor and the ceiling next above it.

**Story, half.** A space under a sloping roof, which has the line of intersection of the roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

**Street (Road).** A public street or a street with respect to which an offer of dedication has been made.

**Street, Arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic.

**Street, Center Line.** The centerline of a street shall mean the center line thereof as shown in any of the official records of the Town or as established by the Virginia Department of Transportation. If no such centerline has been established, the centerline of a street shall be a line lying midway between the sidelines of the right-of-way thereof.

**Street, Collector.** A street whose principal function is to carry traffic between minor, local and sub collector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

**Street, Cul-de-sac.** A street that terminates in a vehicular turn around.

**Street Line (Right-of-Way).** A public or private thoroughfare which affords the principal means of access to abutting properties.

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**Street, Local.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than 25 dwelling units and is expected to or does handle between 75 and 200 trips per day.

**Street, Marginal Access.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Street, Minor.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to 75 trips per day.

**Street, Sub-collector.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.

**Structural Alteration.** Any change in the supporting members of a building or structure, including bearing walls, partitions, columns, beams, girders or similar parts of a building or structure, and any substantial change in the roof of a building.

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

**Subdivision.** The division of land as defined in the Subdivision Ordinance of Tappahannock, Virginia.

**Substantial Alteration.** Means expansion or modification of a building or development which would result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

**Tidal Shore or Shore.** Means land contiguous to a tidal body of water between the mean low water level and the mean high-water level.

**Tidal Wetlands.** Means vegetated and nonvegetated wetlands as defined in Code of Virginia (1950), § 28.2-1300, as amended.

**Travel Trailer, Motor Home or Camper.** A vehicular, portable structure, built on a chassis, with or without complete kitchen, toilet, bath, or shower facilities, designed to be used for temporary human habitation, for travel, recreational and vocational uses. Use of these vehicles as permanent dwelling units is expressly prohibited by this Ordinance.

**Tattoo Parlors and Schools.** Means a place in which is offered or practiced the placing of designs, letters, scrolls figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, by the aid of needles or any other instrument designed to touch or puncture the skin.

**Tower.** Any structure whose principal function is to support an antenna.

**Townhouse.** See "Dwelling, Multi-Family Townhouses."

**Tract.** (See definition of Lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots."

**Use.** The activity or function that actually takes place or is intended to take place on a lot.

**Use, permitted.** A use, which may be lawfully established in a particular district or districts, provided it conforms with all regulations, requirements, and standards of such district.

**Use, Principal.** A use listed in the Table of Permissible Uses.

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**Utility Facilities.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility by Virginia State law and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas oil, or electronic signals.

**Utility Facilities, Community or Regional.** All utility facilities other than neighborhood facilities.

**Utility Facilities, Neighborhood.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

**Variance.** A variance from application of the strict terms of this Ordinance which may be granted in a specific case by the Board of Zoning Appeals under the terms of this Ordinance and applicable State law.

**Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

**Veterinary Hospital.** A place designated or maintained for the treatment of disease of animals. May also include as a secondary use the housing, boarding, breeding, or otherwise keeping of or caring for animals.

**Water-Dependent Facility.** Means a development of land that cannot exist outside of the Resource Protection Area and must be located on the shoreline by reasons of the intrinsic nature of its operation. These facilities include, but are not limited to, (i) ports; (ii) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (iii) marinas and other boat docking structures; (iv) beaches and other public water-oriented recreation areas; and (v) fisheries or other marine resources facilities.

**Watercourse.** Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash, in and including any area adjacent thereto which is subject to inundation by reason of overflow of water.

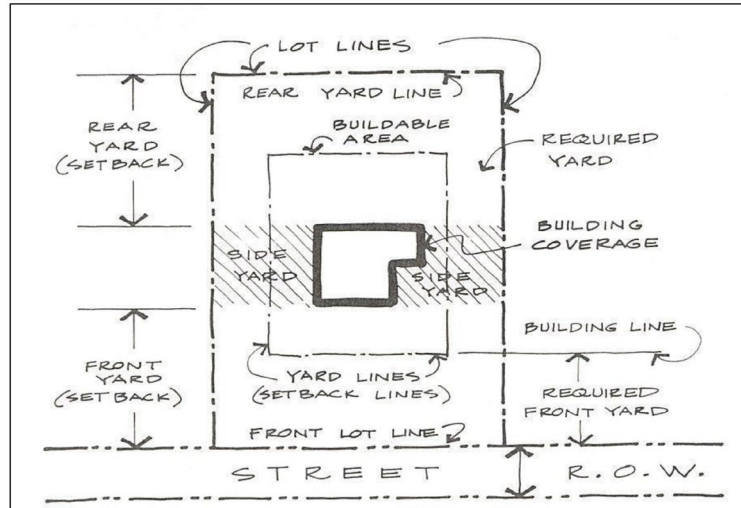
**Wayside Stand, Roadside Stand.** Wayside Market. Any structure designed and/or used for the sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his family on their farm.

**Wetlands.** Means tidal and nontidal wetlands.

**Wholesale Sales.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**Wooded Area.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

**Yard.** An open green space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Ordinance. A "yard" extends along a lot line and to a minimum depth or minimum width specified in the yard requirements for the zoning district in which such zoning lot is located.



**Yard, Front.** An open space on the same lot as a principal building between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

**Yard, Rear.** A yard extending along the full length of the rear lot line of the zoning lot.

**Yard, Side.** A yard extending along a side lot line measured from the front yard to the rear yard.

**Yard, Corner Side.** A side yard, which adjoins a public street.

**Yard, Interior Side.** A side yard, which is locate immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

**Yard, Transitional.** That yard which must be provided on a zoning lot in a business-commercial district which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in either a residential or business-commercial district.

**Zoning Administrator.** The official designated by the Town as the official responsible for enforcing and administering all requirements of the Town of Tappahannock Zoning Ordinance.

**Zoning and Code Compliance Officer.** An authorized agent of the Zoning Administrator whose duties involve the reviewing and approval of plats, subdivisions, site plans, and other planning, zoning, and land development documents to ensure compliance with the provisions of this ordinance and related ordinances, specifications, and regulations.

**Zoning Overlay District.** A district which is placed over the existing regular or parent zoning because of sighting of a zoning district or imposes additional restrictions and includes all those districts listed as Special Districts in this Ordinance.

**Zoning Parent District.** Those basic districts initially listed other than Special Districts in this Ordinance.

**Zoning Permit.** A document issued by the Administrator or the Zoning and Code Compliance Officer authorizing the use of lots, structures, lots and structures, and the characteristics of uses.

(Town Council Amended on 5-8-2017; Town Council Amended on 9-10-2018; Town Council Amended on 4-8-2019)

**CHAPTER 792**

*An Act to amend and reenact §[15.2-983](#) of the Code of Virginia, relating to short-term rental property; special exceptions.*

[S 544]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That [§15.2-983](#) of the Code of Virginia is amended and reenacted as follows:

[§15.2-983](#). Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide (i) the complete name of the operator and (ii) the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act ([§55.1-2200](#) et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. *No local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.*

*E.* Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§[55.1-1900](#) et seq.), the declaration of a common interest community as defined in § [54.1-2345](#), the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§[55.1-2100](#) et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§[55.1-1800](#) et seq.).

## Chapter 62. – Short Term Rental Registration

### Article I. In General

#### Section 62-1. Owner/Operator

The owner or operator of any dwelling, lodging or sleeping accommodation who offers, for a charge, or rents such to persons for short term rental must register annually with the department of finance on the town's short-term rental registry.

#### Section 62-2. Administrative.

The registration shall state the name, residence, business address of the owner and/or operator and the addresses of all properties within the town offered for short-term rental. There shall be no fee for such registration. After initial registration, registration shall be renewed by January 1 of each year.

#### Section 62 – 3. Exceptions.

Any person who is (1) licensed by the real estate board or is a property owner who is represented by a real estate licensee; (2) registered pursuant to the Virginia Real Estate Time Share Act, Code of Virginia § 55-360 et seq., or (3) licensed with the department of health related to the provision of room or space for lodging shall present evidence of such other licensing or registering to the director and be exempt from registering under this chapter. Should such registration or licensing cease, the person shall forthwith register with the director on the town's short-term rental registry.

### Article II. Registry Requirements

Section 62 – 4. Business license. A Town business license must be valid for the property use as short term rental. The business licensing shall follow all applicable town and county regulations.

Section 62 – 5. Transient Lodging Tax shall be submitted to the Town Treasurer and all other Town and County taxes shall be up to date.

Section 62- 6. Record Keeping. A record of all Ledger including dates and cost of stay of all tenants to be supplied to the Town annually.

Section 62 – 7 Inspections. Inspections by the County building official shall be allowed within 48 hours notice and the structure must be in compliance with all building code requirements. Zoning inspection by the Town of Tappahannock Zoning administrator or designee shall be allowed within 48 hours notice.

Section 62 – 8 Food Preparation. The owner or operator of the building shall not prepare and/or serve food to guests.

Section 62 -9. Building Code.-The structure must-adhere to all building code requirements including fire suppression and carbon monoxide monitoring.

### Article III. Enforcement.

Section 62 – 10. Failure to Register. Any owner and/or operator who is required to register under this chapter who fails to register within 30 days of offering a property for rent or renting said property shall be subject to a fine of \$500.00. Unless and until the owner/operator pays the fine and registers the property, such person shall not continue to offer any property for short term rental.

Section 62 – 11. Prohibitions. Any owner or operator required to register under this chapter may be prohibited from offering a specific property in the town upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to short-term rental, including any applicable Town transient occupancy taxes or meals taxes.

Code of Virginia  
Title 46.2. Motor Vehicles  
Chapter 8. Regulation of Traffic

**§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones, and high-risk intersection segments; civil penalty.**

A. For the purposes of this section:

"High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection containing a marked crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has occurred since January 1, 2014.

"Highway work zone" has the same meaning ascribed to it in § [46.2-878.1](#).

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § [46.2-873](#).

"Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess of the speed limit, including a violation of § [46.2-873](#) or [46.2-878.1](#).

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § [46.2-873](#) and in highway work zones for the purposes of recording violations of § [46.2-878.1](#).

A state or local law-enforcement agency may place and operate a photo speed monitoring device at a high-risk intersection segment located within the locality for the purpose of recording vehicle speed violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment.

C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the photo speed monitoring device. Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund. However, all civil penalties collected under this section resulting from a summons issued based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § [33.2-373](#).

D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed violation.

E. In the prosecution for a vehicle speed violation in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in a manner constituting a vehicle

speed violation, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged vehicle speed violation, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed violation and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed pursuant to § [19.2-76.2](#). Notwithstanding the provisions of § [19.2-76](#), a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § [19.2-76.3](#). No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a vehicle speed violation issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § [46.2-208](#), to obtain vehicle owner information regarding the registered owners of vehicles that committed a vehicle speed violation. Any such information provided to such private vendor shall be protected in a database.

I. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of vehicle speed violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for

enforcement of vehicle speed violations and enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a vehicle speed violation or a violation of this section, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure.

J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone, or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

2020, c. [1232](#); 2024, c. [670](#).

# AUTOMATED TRAFFIC ENFORCEMENT SPEED STUDY RESULTS

Tappahannock, Virginia

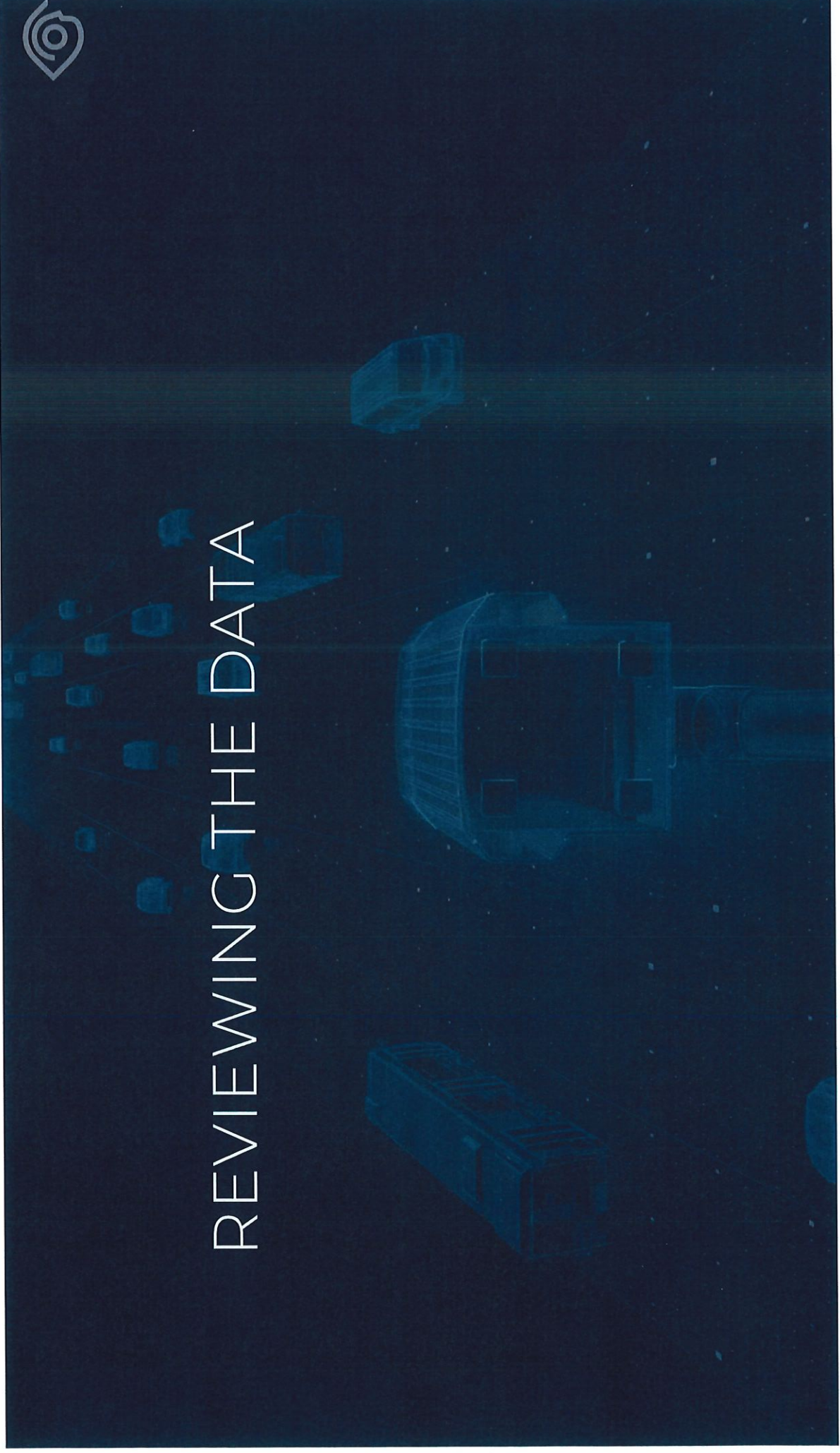
September 5, 2024



Altumint Corporate Office: 4600 Forbes Blvd, Suite 203 | Lanham, MD 20706



# REVIEWING THE DATA





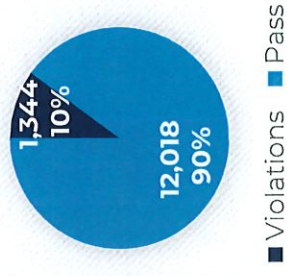
# Tappahannock Elementary School

Speed Study | August 19-23, 2024

	Speed (mph)
Speed Limit	35
School Zone Speed Limit	25
Violation Limit	9

	Monday	Tuesday	Wednesday	Thursday	Friday
Vehicle Count	2,532	2,506	2,481	2,643	3,200
Violations	232	154	243	276	439
% of Violators	9.2%	6.1%	9.8%	10.4%	13.7%

## Weekly Average



Weekly Total	
Vehicle Count	13,362
Violations	1,344
Daily Average	269



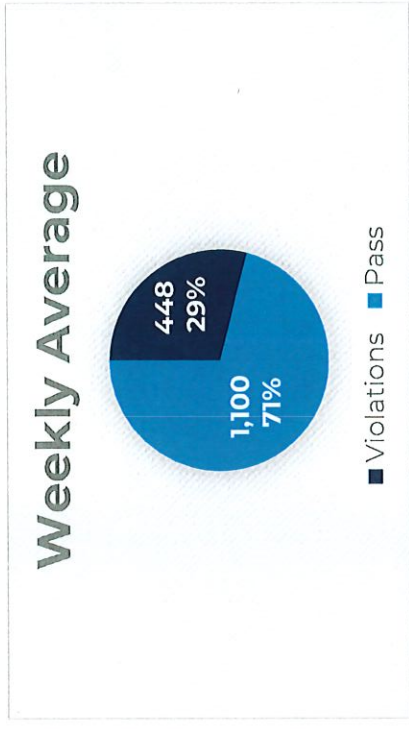
# Essex High School

Speed Study | August 19-23, 2024

	Speed (mph)
Speed Limit	45
School Zone Speed Limit	25
Violation Limit	9

	Monday	Tuesday	Wednesday	Thursday	Friday
Vehicle Count	173	338	330	340	367
Violations	59	75	87	103	124
% of Violators	34.1%	22.2%	26.3%	30.3%	34.6%

Weekly Total	
Vehicle Count	1,548
Violations	448
Daily Average	90



# QUESTIONS



Altumint Corporate Office: 4600 Forbes Blvd, Suite 203 | Lanham, MD 20706 | [altumint.com](http://altumint.com)



*Town Manager*

Eric S. Pollitt

*Town Treasurer*

Tina F. Brock

*Town Clerk*

Patsy K. Scates

*Chief of Police*

Thomas D. Carter

*Town Attorney*

M. Tolley Gwinn

*Mayor*

Roy M. Gladding

*Town Council*

Troy L. Balderson

Katherine B. Carlton

A. Fleet Dillard III

Kenneth A. Gillis

Carolyn Barrett

Anita Latane

## TOWN OF TAPPAHANNOCK

*P. O. Box 266*

*Tappahannock, Virginia 22560*

*(804) 443-3336 Fax (804) 443-1051*

[www.tappahannock-va.gov](http://www.tappahannock-va.gov)

### MEMORANDUM

TO: Tappahannock Town Council  
FROM: Tina Brock, Treasurer  
DATE: September 26, 2024  
RE: Joining the Chesapeake Bay Region Cigarette Tax Board (CBRCTB)

The Town Manager would like for Town Council to consider adopting an ordinance to join the Chesapeake Bay Region Cigarette Tax Board, effective January 1, 2025.

I have been communicating with the Chesapeake Bay Region Cigarette Tax Board (Jerry Davis) to determine the purpose and benefit in joining the CBRCTB. There are 11 localities in our region that are part of the CBRCTB. Accomack, Chincoteague, Colonial Beach, Essex, Lancaster, Middlesex, Montross, Northampton, Urbanna, Warsaw and Westmoreland.

Currently, each pack of cigarettes sold must have a locality tax stamp and a Virginia state tax stamp. The Town is purchasing cigarette stamps from a supplier and is then selling the stamps directly to the cigarette retailers and in some instances to wholesale distributors. According to Mr. Davis, CBRCTB, it is very rare for a locality to be selling directly to retailers. In addition to the local stamp, the retailer and/or wholesaler must buy a Virginia tax stamp and pay the Va. Dept. of Taxation for the state stamps. The CBRCTB states that ideally, a dual stamp (State/Locality) would be sold to a distributor, thus removing the locality from the process, and streamlining the sale of the cigarette stamps. In Virginia, licensed stamping agents pay the cigarette tax, and affix cigarette stamps to the packs and cartons of cigarettes. They are supposed to do so before shipping the cigarettes to retail outlets.

In speaking with Jerry W. Davis, AICP, Executive Director, Northern Neck Planning District Commission, he stated that the General Assembly recommends each Town and County try to tax through a regional board. The regional board has an MOU with the Virginia Dept of Tax and all localities participating in the CBRCTB are under their board, which has a dual stamp (State/Locality)

The benefits of joining the CBRCTB are:

1. Increase in tax revenues (approximately 5-10%) since we do not currently perform any retail compliance checks.
2. Streamlining the sale of cigarette stamps. There will be a dual stamp sold by the Va. Dept. of Taxation to wholesale distributors.

3. Wholesale distributors will file sales reports with the CBRCTB and pay the CBRCTB directly.
4. CBRCTB will pay the Town of Tappahannock monthly for their portion of tax revenue.
5. The CBRCTB will conduct random inspections of retailers. Anyone who is found to possess more than 30 packs of unstamped cigarettes is presumed to be evading taxes. Possessing unstamped cigarettes for the purpose of evading taxes carries civil penalties ranging from \$2.50 per pack up to \$250,000.
  - a. Possession of up to 3,000 packs of unstamped cigarettes is a class 2 misdemeanor.  
Possessing more than 3,000 packs of unstamped cigarettes is a class 6 felony.

There is a slight fee involved of 5% on tax collected. We believe that to ensure the retailers in the Town of Tappahannock are adhering to state and local laws, in relation to cigarette tax, joining the CBRCTB is necessary.

If Council decides to move forward with this, we will hold a public hearing on December 9, 2024, and will advertise for this in the Rappahannock Times on November 20, 2024 and the November 27, 2024. Additionally, an Amendment to the town code, for the change in the ordinance, Chapter 26, Article VIII. – All Sections will be presented at the normal Town Council meeting to be held on December 9, 2024.



*Town Manager*

Eric S. Pollitt

*Town Treasurer*

Tina F. Brock

*Town Clerk*

Patsy K. Scates

*Chief of Police*

Thomas D. Carter

*Town Attorney*

M. Tolley Gwinn

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## TOWN OF TAPPAHANNOCK

*P. O. Box 266*

*Tappahannock, Virginia 22560*

*(804) 443-3336 Fax (804) 443-1051*

[www.tappahannock-va.gov](http://www.tappahannock-va.gov)

### MEMORANDUM

TO: Tappahannock Town Council  
FROM: Tina Brock, Treasurer  
DATE: September 25, 2024  
RE: Cigarette Tax Rate Increase

The Town Manager would like for Town Council to consider adopting an amendment to increase the cigarette tax rate from \$.15 cents for each twenty (20) cigarettes to \$.40 cents for each twenty (20) cigarettes, effective January 1, 2025.

I have been in communication with the Chesapeake Bay Region Cigarette Tax Board, to determine the standard cigarette tax rate for our region. As result of this research, it was determined that all the localities are charging \$.40 for each twenty (20) cigarettes with the exception of Accomack (\$.20). The following localities were part of this study. Accomack, Chincoteague, Colonial Beach, Essex, Lancaster, Middlesex, Montross, Northampton, Urbanna, Warsaw and Westmoreland.

If Town Council chooses to adopt the rate increase, it will represent a significant increase in revenue for this tax category.

FY2024 – Sold approximately 480,000 stamps = 480,000 x \$.15 = \$72,000 in revenue

Future - Selling approximately 480,000 stamps = 480,000 x \$.40 = \$192,000 in revenue

**Net Increase in Revenue = \$120,000**

If approved, we will hold a public hearing on December 9, 2024, and will advertise for this in the Rappahannock Times on November 20, 2024 and November 27, 2024. Additionally, an Amendment to the town code, for the tax rate change, Chapter 26, Article VIII. – Cigarette Tax Sec. 26-302 will be presented at the normal Town Council meeting to be held on December 9, 2024.