Sec. 19-5. Enforcement.

(a) (1) *General enforcement duties of director of planning*. The director of planning shall enforce this chapter and he shall have the full cooperation of all other county officials in the enforcement of this chapter and Chapter 17. Before granting a permit to construct, alter or use any building, structure or premises that may be affected by this chapter or Chapter 17, the building official, upon receipt of an application for such permit, shall submit the application to the director who shall certify that the proposed construction, alteration or use of the building, structure or premises is or is not in violation of this chapter. If such proposed use, building or structure is in conflict with this chapter (including zoning or development approval), the building official shall refuse to issue a building or occupancy permit.

(2) *Enforcement of conditions*. The director of planning shall administer and enforce conditions attached to zoning approvals and plan review~~development~~ approvals and he shall have the authority to: issue a written order to remedy any noncompliance with a condition; bring legal action, including injunction, abatement or other appropriate action, to insure compliance with such conditions; and require a guarantee, in a form satisfactory to the county attorney, and in an amount sufficient for and conditioned upon the construction of any physical improvements required by the condition, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the county, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required occupancy or building permits.

Comment [c1]: Allows enforcement of subdivision review and Chapter 17 provisions through the Code Compliance section of Planning.

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Sec. 19-14. Conditional use planned developments.

(c) *Regulation exceptions*. The planning commission may recommend, and the board of supervisors may authorize, exceptions to the applicable bulk and/or development regulations of this chapter; provided that the planning commission and board of supervisors shall consider:

(1) That such exception shall be solely for the purpose of promoting an integrated plan no less beneficial to the residents or occupants of the development, as well as neighboring property, than would be obtained under this chapter's bulk and/or development regulations for buildings developed on separate zoning lots.

(2) That the minimum lot requirements of this chapter may be decreased without limitation; provided that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided as~~in~~ common area~~s~~ within the development.

(3) The director of planning, planning commission or board of supervisors may require any reasonable method to guarantee that common area~~open spaces~~ provided as an integral part of the planned development shall always remain available to those people for whom they were designed to serve and that such common area~~open spaces~~ shall be reasonably maintained.

Comment [c2]: CHANGED TO Common Area rather than Common Open Space

° ° °

Sec. 19-58. Floodplain regulations and dam break inundation zones.

(a) *General provisions.*

(6) All new construction and substantial improvements of residential dwellings adjacent to the base flood area/backwater shall be set back at least 25 feet horizontal distance from the outermost boundary of the base flood area/backwater and have a minimum lowest floor level, including basement, of one foot above the base flood elevation. In the Upper Swift Creek Watershed, all new construction and substantial improvements of residential dwellings shall be setback at least 35 feet horizontal distance from the outermost boundary of the 100–year floodplains where the contributing drainage area exceeds 100 acres.

Comment [c3]: Adjusted to accommodate Upper Swift Creek requirements from Chap. 17.

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Sec. 19-69. Required conditions.

The conditions specified in this section shall be met in the R-88 District.

° ° °

(c) *Front yard.* Unless otherwise specifies the m~~M~~inimum setback shall be ~~of~~ 75 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs, ~~if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bulb of the cul-de-sac may be reduced to ~~shall~~ not ~~be~~ less than 25 feet. However for all lots the m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. ~~Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street.~~ This additional setback requirement will be noted on the final~~record~~ plat.

° ° °

Sec. 19-74. Required conditions.

The conditions specified in this section shall be met in the R-40 District.

° ° °

(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be~~of~~ 60 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. Where the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bulb of the cul-de-sac may be reduced to~~need~~ not ~~be more~~ less than 25 feet. However, for all lots m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. This additional setback requirement will be noted on the final plat.

° ° °

Sec. 19-79. Required conditions.

The conditions specified in this section shall be met in the R-25 District.

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(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be ~~of~~ 50 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bulb of the cul-de-sac may be reduced to~~shall~~ not ~~be~~ less than 25 feet. However for all lots m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.~~ Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street.~~ This additional setback requirement will be noted on the final~~record~~ plat.

° ° °

Sec. 19-84. Required conditions.

The conditions specified in this section shall be met in the R-15 District.

° ° °

(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be~~of~~ 40 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. Where the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bub of the cul-de-sac may be reduced to ~~need~~ not less~~be more~~ than 25

feet. However, for all lots ~~M~~minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. This additional setback requirement will be noted on the final plat.

° ° °

Sec. 19-89. Required conditions.

The following conditions specified in this section shall be met in the R-12 District:

° ° °

(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be~~of~~ 35 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bulb of the cul-de-sac may be reduced to~~shall~~ not ~~be~~ less than 25 feet. However, for all lots m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. ~~Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street.~~ This additional setback requirement will be noted on the final~~record~~ plat.

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Sec. 19-94. Required conditions.

The conditions specified in this section shall be met in the R-9 District:

° ° °

(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be~~of~~ 30 feet ~~in depth~~. For~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet~~, the building setback around the buld of the cul-de-sac may be reduced to~~shall~~ not ~~be~~ less than 25 feet. However, for all lots m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. ~~Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street.~~ This additional setback requirement will be noted on the final~~record~~ plat.

Sec. 19-99. Required conditions.

The conditions specified in this section shall be met in the R-7 District:

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(a) *Lot area and width*. Each lot shall have an area not less than 7,000 square feet and a lot width of not less than 50 feet, provided that such lot was granted preliminary

(formerly tentative) ~~subdivision~~ plat approval prior to November 13, 1985, and recorded prior to January 1, 1989. If such ~~tentative~~ approval is not renewed and expires or if a new subdivision is granted preliminary (formerly tentative) plat approval after November 13, 1985, each lot shall have an area not less than 9,000 square feet and a lot width of not less than 75 feet.

° ° °

(c) *Front yard*. Unless otherwise specified the m~~M~~inimum setback shall be ~~of~~ 30 feet ~~in depth~~. For ~~On~~ lots located along cul-de-sacs~~, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet~~, the building setback around the bulb of the cul-de-sac may be reduced to~~shall~~ not ~~be~~ less than 25 feet. However for all lots m~~M~~inimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. ~~Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street.~~ This additional setback requirement will be noted on the final~~record~~ plat.

Notwithstanding the above, front yard setbacks for lots located in the Ettrick Village Core (EVC) or the Ettrick Village Commercial Area (EVCA), between contiguous developed lots, may be reduced to the front yard setback of any principal building occupying any adjacent lot. Front yard setbacks for lots located in the Ettrick Village Core (EVC) or the Ettrick Village Commercial Area (EVCA),, not located between contiguous developed lots, may be reduced to the front yard setback of any principal building occupying any lot on the same side of the street within 200 feet of the subject lot.

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Sec. 19-105. Required conditions.

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(h) *Driveways and parking areas.* All roads~~,~~ and private pavement ~~driveways and parking areas~~ shall have concrete curbs and gutters. All private driveways and parking areas shall be at least 15 feet from the right-of-way of any existing or proposed public road, except for those roads indicated on the comprehensive plan as major arterials where the setback shall be increased to 50 feet. In all cases, these setbacks are subject to the provisions of section 19-555 of the Development Standards Manual.

° ° °

(l) *Frontage on public street.* All lots shall have frontage on a local~~public~~ street, or have directaccess thereto ~~by common right-of-way within 500 feet.~~ as approved by the director of transportation. All streets that accommodate general traffic circulation through the subdivision, as determined by the director of

transportation, shall be designed and constructed to VDOT standards and taken into the state system. Approved ~~Townhouse~~ lots not fronting on a local~~public~~ street shall front on private pavement~~paved accessways~~ designed and constructed in accordance with the provisions of Chapter 17~~VDOT paving specifications for subdivisions and secondary roads~~. ~~All public and private streets within an R-TH project shall install street trees in conformance with Sec. 19-518(h) Street trees.~~

At time of preliminary plat review, streets may be designated as Special Access Streets as approved by the directors of transportation and planning, provided that sidewalks and street trees are accommodated.

(m) *Common area*. A minimum of ~~20~~ 30 percent of total gross acreage shall be provided as common ~~open~~ area~~, exclusive of driveways, parking areas and recreational areas~~. Within this area, except where groups of lots front or abut a public street, a~~minimum~~ common area that is a minimum of five feet in width shall be provided adjacent to all groups of lots~~except where the groups front or abut a public street~~.

~~(o) *Recreational area required.*~~ Common~~An~~ area shall include designated land conveniently accessible ~~to and included~~ within the development suitable for recreational use by the occupants. Such lands shall be~~consisting of~~ not less than ten percent of the total gross acreage of the project~~shall be provided for suitable recreational use by the occupants~~, and in no event total~~shall~~ less than 1 1/2 acres ~~be provided~~. Recreational facilities, including active and passive recreation and community buildings shall be provided, as deemed appropriate during preliminary~~tentative~~ subdivision approval. Issuance of ~~occupancy~~ permits for townhouses shall be in conjunction with the phasing of recreational facilities in accordance with the approved preliminary~~subdivision~~ plat~~n~~.

(n) *Common areas and ownership of property*. ~~Common~~ A~~a~~reas which are not contained in public roads or in lots ~~or streets~~ that are conveyed to individual owners shall be maintained by and be the sole responsibility of the developer-owner of the townhouse development, unless and until the developer-owner conveys such~~the~~ ~~common~~ areas to a nonprofit corporate owner, whose members shall be all of the individual owners of townhouses in the development, or to a nonprofit council of co-owners as provided under Code of Virginia, § 55-79.1 et seq. The land shall be conveyed to and be held by the nonprofit corporate owner or the nonprofit council of co-owners solely for the recreational and parking purposes of the individual townhouse lot owners. If the developer-owner makes the conveyance to a nonprofit corporate owner, deed restrictions and covenants, in a form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such~~the~~ ~~common~~ areas shall constitute a pro rata lien against the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded deeds of trust on each townhouse lot. An applicant, seeking to subject

property to townhouse development under this article, whose ownership or interest in the property is held by a valid lease, shall provide for an initial term of not less than 99 years in such lease.

~~(o) *Recreational area required.* An area conveniently accessible to and included within the development consisting of not less than ten percent of the gross acreage shall be provided for suitable recreational use by the occupants, and in no event shall less than 1 1/2 acres be provided. Recreational facilities, including active and passive recreation and community buildings shall be provided, as deemed appropriate during tentative subdivision approval. Issuance of occupancy permits for townhouses shall be in conjunction with the phasing of recreational facilities in accordance with the approved subdivision plan.~~

Comment [c4]: Moved to be combined with (m) above

(p) *Architectural plans and landscaping plans.* In conjunction with construction~~tentative subdivision~~ plan submission, architectural renderings/elevations and landscaping plans shall be submitted to the planning department for approval.

(q) *Street trees.* Within townhouse projects, street trees shall be installed along both sides of a~~A~~ll public and private streets~~, within an R-TH project shall install street trees in conformance with Sec. 19-518(h) Street trees.~~

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Sec. 19-106. Exemptions.

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g. *Common areas*. A minimum common area of ten feet in width shall be provided for each exposed side, front and rear of all lots of a block, except the side, front and rear of any lot or lots fronting or abutting a public street.

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i. ~~*Common areas and* ~~*O~~o~~wnership of *open space and common area~~property~~*. ~~Common~~ A~~a~~reas which are not contained in public roads or within lots ~~or streets~~ conveyed to individual owners shall be maintained by and be the sole responsibility of the developer-owner of the townhouse development, unless and until the developer-owner conveys the~~ common~~ area to a nonprofit corporate owner whose members shall be all of the individual owners of townhouses in the townhouse development, or to a nonprofit council of co-owners as provided under Code of Virginia, § 55-79.1 et seq. The land shall be conveyed to and be held by the nonprofit corporate owner or the nonprofit council of co-owners solely for the recreational and parking purposes of the individual townhouse lot owners. If the developer-

owner makes the conveyance to a nonprofit corporate owner, deed restrictions and covenants, in a form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of the ~~common~~ areas shall constitute a pro rata lien against the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded deeds of trust on each townhouse lot. An applicant seeking to subject property to townhouse development under this section whose ownership or interest in the property is held by a valid lease, shall provide for an initial term of not less than 500 years in such lease.

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Sec. 19-128. Required conditions.

The conditions specified in this section shall be met in the A District.

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(f) *Required lot area*. Each single family dwelling, permanent manufactured home and temporary manufactured home, together with accessory structures, hereafter erected shall be located on a lot having an area of not less than 5 acres and a lot width of not less than 150 feet and road frontage of not less than ~~300 feet, or~~ 250 feet ~~if a legally established access is shared by no more than two lots within the area of required frontage~~. In this instance, the required minimum road frontage width shall be maintained for a depth required to create a 5 acre lot or in an arrangement approved by the director of planning after determining that the configuration is appropriate based upon limitations imposed by the lot shape or environmental features.

All other permitted structures, together with accessory structures, hereafter erected shall be located on a lot having an area of not less than 43,560 square feet and a lot width of not less than 150 feet.

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Section 19-200.1. Purposes and intent of district.

(a) The purpose of the Traditional Neighborhood Development District (TND) is to allow development of mixed-use, pedestrian-oriented, activity centers containing a variety of uses, including business, retail, residential, cultural, educational, and other public and private uses. The TND district incorporates publicly accessible comm~~unity open space~~ areas, encourages high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The TND district also permits a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and is intended to discourage piecemeal development. The TND district will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility, and innovative and creative design.

(b) This district is meant to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods, which are referred to as neotraditional, and new urbanism. Generally, the following design principles are associated with TND development.

(1) Compact development patterns that promote efficient use of land and lower costs of providing public infrastructure and services;

(2) Development is designed for the human scale such that close attention is paid to walking distances, the height of buildings, and the design of streetlights, sidewalks, signs, and other features;

(3) Nonresidential land uses, civic, common area and open space, are mixed with residential land uses. The TND district also provides a community center and focus to establish a strong neighborhood identity. Traditional neighborhood development promotes a mix of housing types on varying lot sizes.

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Sec. 19-200.7. Application procedures and approval process.

The TND district becomes part of the zoning map upon approval of an application to rezone property according to specified criteria contained in Section 19-200.8. The process to create a TND district consists of two parts; rezoning the property to TND, and, as part of the rezoning process, approval of a Master Plan and a Design Guidelines Manual. The Master Plan consists of a generalized graphic description of the project's proposed mix of land uses, densities, open space, common area and other amenities according to the provisions of section 19-14(d)(1). The Design Guidelines Manual will govern the site-specific design features associated with the project throughout its development. The standards for development that are submitted by an applicant and approved by the board of supervisors for a particular TND district, as well as any other applicable provisions of the County Code, shall be the standards by which the project will be developed.

° ° °

Sec. 19-200.8. Rezoning application requirements; required documents and information.

The following documents and information shall be submitted to the planning department and any other information required by the director of planning necessary to evaluate a rezoning application and its associated plans for development.

(a) *Master Plan*. The following items shall be shown in the Master Plan in a map and/or textual form.

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(5) The amount of land devoted to common area and open space ~~and amenities~~, including conservation areas or preservation areas, etc.

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Section 19-200.9. Development plan review process: overall development plan.

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(b) Overall Development Plans shall include information deemed necessary by the director of planning to insure compliance with zoning conditions and the zoning ordinance's purposes, including but not limited to:

(8) Common a~~A~~reas~~ of common open space that achieve a minimum of 20% common open space within the entire TND project and the spacing requirements specified in section 19-200.11 (e)~~;

° ° °

(c) For the purposes of subsequent site plan and subdivision review, the ODP shall identify the blocks and/or areas, including adjoining roads and common ~~open space~~ areas that shall be reviewed using the site plan or subdivision review process. Determination of which review process shall be used for each block and/or area shall be made by the planning department based upon input from participating review departments.

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Section 19-200.11. General design standards and guidelines.

The following design standards and guidelines shall be applicable for all development within the TND district.

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(b) *Mix of Uses in Project Design:* To achieve the compact design necessary to make the TND fully pedestrian oriented, residential and non-residential land uses must be sufficiently mixed horizontally across the project and vertically within buildings. The non-residential development serving the TND shall progress with the residential development. The project should be organized so that higher density residential blocks are located within one-quarter (¼) mile of the community center. Lower density residential blocks may be located beyond one-quarter mile from the community center. Because existing uses surround an in-fill TND project, lower residential densities adjacent to the community center should be evaluated at time of zoning with regards to transition of uses.

(1) Within a TND project, a minimum of thirty (30) percent of the acreage shall be used for non-residential development, and at least 40 percent of the total square footage of ground floor non-residential development shall have over shop housing. The percentage of project acreage for non-residential buildings shall include the buildings and all parking, sidewalks, streets, common area and open space directly associated with these buildings.

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(d) *Community Center:* The community center of a TND project shall consist of a mix of office, commercial, residential, civic or institutional, common area and open space uses as identified below.

° ° °

Comment [c5]: The common area requirement is covered elsewhere. This is only part of a list of items needed on plans.

(4) *Common area~~open space~~ uses in the community center*: Common area~~open space~~ is a significant part of the design of a traditional neighborhood development. Formal and informal non-linear spaces are required with a formally designed central square or commons of 40,000 square feet minimum established as the primary common open space near the center of the community center. A smaller informally designed common ~~open space~~ area shall serve as a children's park of 20,000 square feet minimum and shall be located within two blocks of the community center and adjacent to a primary pedestrian path or sidewalk. This park shall be furnished with a variety of children's play equipment and with seating areas for adults.

° ° °

(e) *Common Area~~Open Space~~:* At least 20 percent of the gross acreage of the entire TND project shall consist of common ~~open space~~area for the common use and enjoyment of residents, visitors and employees within the TND and shall be clearly delineated in the overall development plan. A minimum of 85 percent of the residential units within the TND project devoted to residential uses shall be within ¼ mile of an improved common open space area such as a park or plaza having a minimum area of 20,000 square feet that includes, at a minimum, improvements such as benches, activity areas, and landscaping. Internal bikeways and pedestrian walkways shall connect between all improved common ~~open space~~ areas. Within an infill TND, the percentage of common open space, the distance to common open space areas, and the connectivity between common ~~open space~~ areas for infill TND projects may be modified by the director of planning based upon available common area~~open space~~ and pathways within the sphere of influence and the amount of land available within the infill TND.

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Sec. 19-233. General performance criteria.

Any use, development or redevelopment of land within a Chesapeake Bay Preservation Area shall meet the following performance criteria:

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(l) For sites subject to subdivision review, the subdivider shall post signs demarking the limits of the RPA so builders and homeowners may be informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the director of environmental engineering.

Comment [c6]: From 17-62.18

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Sec. 19-233.1 Setback requirements from the Resource Protection Area (RPA)

Except for the Upper Swift Creek Watershed, single family residential dwelling setbacks from an RPA which encroach within a lot or parcel, shall be based upon the applicable yard setback requirements of the underlying zoning district. Provided, however, that in no case shall the

setback exceed 25 feet. Specifically, setbacks shall be measured from the closest boundary of the RPA to the principal structure and the required setbacks shall be determined by the yard in which the RPA boundary is located. In the Upper Swift Creek Watershed, all setbacks from the RPA for the principal structure shall be 35 feet.

Comment [c7]: Formerly in Sec. 17-62

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Sec. 19-235. Exemptions and exceptions.

° ° °

b. Exceptions to the requirements of section 19-233 and 19.233.1. Upon written request, the director of environmental engineering may approve exceptions to the requirements of section 19-233 and 19-233.1 when the director finds that the criteria of section 19-235(b)(1) have been satisfied

Comment [c8]: Include exception for 19-231.1

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Sec. 19-241. Design criteria for all basins.

° ° °

(3) Water or wastewater lines shall not be located within any stormwater management or best management practice facility unless approved by the directors of environmental engineering and utilities.

Comment [c9]: From 17-62.26

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Sec. 19-261. Schematic plans.

(a) Unless a master plan or similar plan has been approved at the time of zoning approval, a schematic plan shall be submitted for any project containing a mixture of residential and nonresidential uses. Prior to site plan or preliminary plat~~tentative subdivision~~ approval, the schematic plan shall be approved by the planning commission.

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Sec. 19-264. Preparation and submission of site plans.

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(d) Every site plan shall contain the following information, where applicable:

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(3) Recreation, common area or open spaces;

° ° °

Sec. 19-265. Site plan processing.

(c) If approval of a feature of a site plan by a state agency or public authority authorized by state law is necessary, the director of planning shall forward the site plan to the

appropriate state agency or agencies for review within ten business days of receipt. If the County has not received written comments from the Virginia Department of Transportation within 90 days after the Department of Transportation receives the ~~plat or~~ plans from the Director of Planning, the County may assume that the Department of Transportation has no comments and the County may act on the ~~plat or~~ plans.

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Sec. 19-274. Preparation and submission of improvement sketches.

° ° °

(b) When necessary and applicable, as determined by the director of environmental engineering, every improvement sketch shall be prepared in the following manner and show the following information.

(3) Recreation areas, common areas and open space;

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Sec. 19-301. Definitions.

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Acreage, developable: For the purposes of TND districts only, the total land area within a zoning lot or within a block for a TND project, minus areas that are not developable including but not limited to resource protection areas, wetlands, perennial stream protection areas, lakes, railroad rights of ways, and cemeteries. Within a TND, common area~~open space~~ as approved in the overall development plan shall be included as developable acreage within each block. The total land area within a zoning lot or a block shall be measured from existing public rights of way, from the center of proposed street rights of way, and from the edge of any land or water area not developable.

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Code: Code of the County of Chesterfield, 1997, as amended.

° ° °

Common area~~Open space, common~~: Land~~Any area~~ within a development or ~~the TND~~ project ~~area as shown on the overall Development Plan (section 19-200.9)~~ designed, developed and maintained for the use and enjoyment of all residents of the development and/or the general public~~that may be used by residents and the general public that is maintained~~ for any of the following purposes: as natural vegetation or landscaped areas; aesthetic and accessible ponds and BMPs; active or passive recreational uses including but not limited to sidewalks, walking and biking paths, playgrounds, swimming pools, and tennis courts; outside public gathering areas set aside for temporary activities and events such as, but not limited to, art shows, annual celebrations, and special outings that support the recreational nature of open space; and related parking lots and buildings accessory to any of these uses. Resource protection areas, ~~wetlands,~~

perennial stream protection areas, and storm water management and "best management practices" (BMP) areas are excluded from the minimum common ~~open space~~ area requirements except for those areas used as a design feature, ~~or~~ recreational amenity or greenway as determined during plan review. Except for parking lots related to accessory to permitted common area uses, common area shall exclude private pavement and wetlands.

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Development: For purposes of the floodplain management ordinance, any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. The term may be used to refer to a tract of land developed or proposed to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain more than one residential dwelling unit.

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Environmental site assessment: A written evaluation of a site by a qualified expert for the purpose of boundary adjustments to determine the existence of any one of the features of a resource management area, as identified in section 19-~~523~~ 231~~of the Development Standards Manual~~, or to delineate wetlands to establish a resource protection area.

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Infill TND project: The intent of the in-fill TND project is to establish a complete TND with a blend of residential types and densities that relate to a commercial community center and that is interconnected with streets for vehicular access and with pedestrian pathways and common area~~open space~~. By inserting residential or commercial components of a TND project that are missing in an area with existing development or redevelopment, an infill TND project begins establishing a network of pedestrian pathways with areas of common area~~open space~~ and opportunities for economic development within walking distance of existing neighborhoods. The extent that an in-fill TND, combined with other properties within its sphere of influence to equal 60 acres minimum, accomplishes the general characteristics of a TND project shall be established at time of zoning.

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Open space: Unless otherwise specified, a~~A~~ny area not occupied by a building, structure, drive or parking area. For residential development open space includes any area not contained in individually owned lots or public roads.

~~*Open space, common*: Any area within the TND project area as shown on the overall Development Plan (section 19-200.9) that may be used by residents and the general public that is maintained for any of the following purposes: as natural vegetation or landscaped areas; aesthetic and accessible ponds and BMPs; active or passive recreational uses including but not limited to sidewalks, walking and biking paths, playgrounds, swimming pools, and tennis courts; outside public gathering areas set aside for temporary activities and events such as, but not limited to, art shows, annual celebrations, and special outings that support the recreational nature of open space; and related parking lots and buildings accessory to any of these uses. Resource protection areas, wetlands, perennial stream protection areas, and storm water management and~~

~~"best management practices" (BMP) areas are excluded from minimum common open space area requirements except for those areas used as a design feature or recreational amenity or greenway.~~

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Plan Review: The term "plan review" includes schematic, site, overall development, and subdivision preliminary, final and construction plans or plats.

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Private Pavement: Privately maintained pavement areas including access and drive ways, alleys, parking areas and fire access within recorded open space or within easements held by homeowners association or other entity on private property.

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Road: Unless otherwise specified, for the purposes of this Chapter, same as *Street*

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Street, residential collector: A street which is projected to carry average daily traffic volumes above the acceptable level established by the planning commission Stub Road Policy and typically does not permit access to individual lots except as provided for by Sec.17-77.

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Street, special-access: Except where approved through the subdivision process in R-TH districts, a~~A~~ street which primarily accommodates vehicular movement in a designated area between commercial and/or industrial developments thereby minimizing the necessity for movement to occur on other streets and/or arterials and limiting the number of access points to other streets and/or arterials. Such street does not normally accommodate through traffic movements but rather facilitates traffic movement between uses. Such street shall~~may~~ ~~either~~ be a public right-of-way ~~and/or easement~~.

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Yard, corner side: For a corner lot, the yard extending across the side of the lot between the right-of-way and the nearest line of the main building from the front yard to the rear property line. The longer lot frontage shall be considered the corner side yard.

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Yard, rear: A yard extending across the rear of a lot between the rear line of the lot and the nearest line of the ~~rear of the~~ main building, excluding the corner side yard on a corner lot.

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Sec. 19-505. Measurement of yards.

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b) Except as otherwise provided, t~~T~~he minimum front and corner side yard depths specified herein shall be measured horizontally from the existing street right-of-way line.~~,~~ ~~except~~ W~~w~~here a street is designated for widening or extension by an adopted

plan, ~~in which case~~ the measurement shall be taken from the future right-of-way line. For lots in a subdivision, where adjacent to a recorded temporary turnaround easement, the minimum yard shall be determined in accordance with Sec. 19-561. Yard measurements may be rounded to the nearest tenth of a foot. In determining the location of future right-of-way lines, the street shall be assumed to be widened equally on both sides of the established centerline to the full width designated by an adopted plan, unless (i) determined otherwise by the director of transportation or (ii) the department of transportation has on file an attested copy of an officially adopted detailed highway plan for such street widening, extension or location. Except for special access streets and streets reduced through the subdivision process, no street in an R-TH, R-MF, R, MH-2, MH-3 or A District shall be considered, for the purpose of this section, as having a right-of-way less than 50 feet wide and in any other district less than 60 feet wide. Each yard shall be measured horizontally to the nearest point of the building or use area, except for allowable projections. Special access streets shall be considered, for the purpose of this section, as having a right-of-way or easement width of a minimum of 50 feet. Except as provided in Sec. 19-105(l), s~~S~~etbacks from special access streets shall not be required unless the director of transportation determines that they are necessary to achieve safe ingress and egress to the property adjoining the street. Special access streets shall not be located within required front or corner side yard setbacks.

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Sec. 19-510. Restrictions and limitations--Agricultural, residential, residential townhouse, multi-family residential, manufactured homes.

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(d) In R-TH districts off street parking for lots shall not be provided in the yard adjacent to special access street,

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Sec. 19-513. Parking spaces required.

Except as provided for in sections 19-510(c) or 19-608(a), the minimum number of parking spaces to be provided for each use shall be as follows:

Use	*Number of Spaces*
(a) Residential and Lodging:	
(1) Except as noted in subsections 2 and 3, dwellings, to include single-family, two-family, multifamily, townhouses and manufactured homes outside of MH-1 zoning districts	2 for each dwelling unit. Townhouse developments shall provide 1 additional space for each 5 dwelling units as guest parking.

Subdivision III. Landscaping

Secs. 19-516. Purpose and intent--Landscaping.

A comprehensive landscaping program for each individual lot or parcel is essential for the visual enhancement of the county and to protect and promote the appearance, character and economic values of land. Whenever possible, maintenance of the existing topography is encouraged. The purpose and intent of such landscaping requirements is also to: (i) reduce the visual impact of paved areas from adjacent properties and streets, (ii) moderate climatic effects, (iii) minimize noise and glare, (iv) enhance public safety by defining spaces to influence traffic movement, (v) reduce the amount of stormwater runoff, (vi) provide transition between neighboring properties, and (vii) promote environmental stewardship.

Secs. 19-517. Landscaping plan and planting requirements.

(a) Landscape plans generally: Landscape plans shall be submitted to comply with the requirements of this chapter. At a minimum, a conceptual landscaping plan shall be submitted and approved prior to~~in conjunction with~~ final site plan, residential construction or overall development plan approval. A detailed landscape plan must be submitted and approved prior to building permit for sites requiring a site plan approval, subdivision final plat approval or prior to the release of a temporary certificate of occupancy should site evaluation determine such a plan is needed.

(b). Conceptual Landscape Plan. Conceptual landscape plans shall be drawn to scale, show all site improvements and the following additional information:

- Property lines;
- Easements and rights-of-way;
- Underground and overhead utilities;
- Fire hydrant locations;
- If site is to be lit, a conceptual lighting layout;
- Parking lots;
- Best management and stormwater management areas;
- Dimensions and distances of perimeter yards and buffers;
- Trees or shrubs proposed to be removed or preserved;
- Protection method for trees or shrubs to be preserved; and
- Landscape requirements, to include but not be limited to, those required for each yard, buffer, parking lot or best management practice area. The plan shall show the general layout of existing vegetation to be preserved and proposed trees and shrubs, designating them as large or small deciduous trees, evergreen trees, medium shrubs or small shrubs/groundcovers.

(c). Detailed Landscape Plan. Detailed landscape plans shall be drawn to scale and include the following information:

- All information required on the conceptual plan;
- Specific plant species and sizes for each of the plant types; and

- Details, notes and any plan specific requirements.

(d). Site Evaluation. Upon completion of grading or construction activity which may affect required landscape areas, the site may be inspected by the planning department to evaluate quality of remaining trees, changes to slopes and/or drainage, or other issues that may affect the landscape design. If the evaluation reveals that modifications are necessary to the approved landscape plan, a revised plan shall be submitted for approval.

~~(b) If a conceptual landscape plan is submitted for site plan approval, the plan shall show all site improvements including easements and rights of way, fire hydrant locations, and a conceptual site lighting layout if site is to be lit, and be drawn to scale. The plan shall include dimensions and distances of perimeter yards and buffers and related landscape requirements for each yard or buffer, interior parking lot areas, BMP areas, and other landscape requirements, and show general layout of existing and proposed trees and shrubs, designating them as large or small deciduous trees, evergreen trees, medium shrubs, and small shrubs/groundcovers. When a detailed landscape plan is submitted, all information required on the conceptual plan shall be shown, but specific plant species shall be shown for each of the general plant types, plant sizes shall be specified, and any details, notes, and any plan specific requirements shall be included. Plans submitted prior to land disturbance may be re-evaluated after completion of grading to determine quality of remaining trees, changes to slopes and/or drainage, or other issues that may affect the landscape design. If such a re-evaluation requires revisions to the approved landscape plan, a review fee shall not be applied.~~

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Secs. 19-518. Plant material specifications.

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(c) *Landscaping design*: Generally, planting required by this subdivision should be in an irregular line and spaced at random, except where otherwise indicated in any applicable, officially adopted plans and guidelines for landscaping. Clustering of plants and tree species shall be required to provide a professionally acceptable composition and mix of vegetation. Decorative walls and fences may be integrated into any landscaping program. The use of such walls or fences, having a minimum height of three feet, may reduce the amount of required plant materials as determined at the time of ~~site or schematic~~ plan review ~~approval~~.

(d) *Tree preservation*:

(1) Generally:Whether parcels are developed or undeveloped, preservation of existing trees and shrubs within required setbacks along public roads and required buffers shall be maximized to provide continuity, ~~and~~ improved buffering and to minimize new landscaping that needs watering. All trees located within a buffer or the setback from a public right-of-way, shall be retained unless removal is necessary to accommodate vehicular access and/or utilities that run

generally perpendicular through the setback, and which is approved through site, subdivision or schematic plan review with exact locations of access and utilities determined by the director of planning.

(2) Tree Limbing: Existing trees may have lower branches removed up to one third of the current height of each tree as follows:

(a) For sites requiring site plan approval, -limbing may occur within setbacks along rights-of -way to provide visibility into the site.

(b) For all sites, with approval from the planning department,when it is determined that limbing is necessary ~~lower branches of trees located within buffer and tree preservation areas may be removed up to one third of the height of the tree~~ to insure healthy growth of understory vegetation.

(3) Preservation credit: Any healthy existing tree or shrub may be included for credit towards landscaping~~this~~ ~~subdivision's~~ requirements as long as credited existing vegetation is reasonably distributed throughout the length of the setback or buffer area.

If any preserved tree or shrub that has been credited dies, one tree or shrub shall be planted for each tree or shrub lost. The removal of existing trees in required setbacks from public roads and buffers without written approval from the Planning Department shall result in two trees or shrubs being planted for each tree or shrub removed. All existing vegetation which is to be preserved on the site shall be shown on the required landscaping plan and grading and erosion control plans, or when there are groups of trees or shrubs, such groups may be outlined. Any existing trees to be removed shall be clearly delineated on the landscaping plan and grading and erosion control plan. Existing tree groups that are too dense to support healthy forest growth or setbacks that include diseased or dying trees shall be evaluated by the planning department at the request of the owner for trees that can be approved for removal. Land disturbance other than for access or utilities is allowed in setbacks along public rights-of-way, as long as the land disturbance is no closer to existing trees than is established by one foot of radius for a root protection zone for each inch of trunk diameter measured at four and one half feet above grade (dbh-diameter at breast height). However, under no circumstances shall the root protection zone be required to extend beyond the setback limits. All limits of land disturbance and tree protection around and in the setback shall be clearly documented on the landscape, grading and erosion control plans.

(e) *Maintenance*:

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(ii) Maintenance responsibilities of required street trees within a subdivision shall be specified on the final ~~check~~ plat~~n~~ ~~and record plat~~ to be the responsibility of the homeowners association. Street trees shall not be removed during or after construction of residences ~~are constructed~~. Trees removed shall be replaced with a like species and in a size comparable to the original planting.

(f) *Installation and bonding requirements*:

(1) All landscaping shall be installed in accordance with professionally accepted landscaping practices and procedures. Landscaped areas shall be protected from vehicular encroachment by such means as, but not limited to, wheel stops, concrete curbs or bituminous curbs.

(2) For property subject to subdivision plan review bonding shall be provided in accordance with Sec. 17-73 for any landscaping improvements not completed prior to final plat recordation. Except as otherwise provided in this section, any required landscaping shall be installed within one year of recordation.

Comment [c10]:

(3~~2~~) A- certificate of occupancy shall not be issued until either:

(i) the required landscaping is completed in accordance with the approved landscape plan or

(ii) a form of surety satisfactory to the director of planning has been submitted in an amount equal to the costs of completing the required landscaping. This requirement shall not preclude the phasing of landscape installation as may be approved by the director of planning.

(4~~3~~) If surety has been submitted for any certificate of occupancy, the required landscaping shall be installed by the first planting season following date of issuance of the surety or the surety may be forfeited to the county.

(5~~4~~) (a) For property subject to site plan review, to insure replacement of unhealthy, dying, dead or pollarded landscaping within the first year of installation for sites where the cost of required landscaping is more than $1000 (based on a landscape contractor's estimate satisfactory to the director of planning), one of the following shall be accomplished:

(i) A form of surety, satisfactory to the director of planning, in an amount equal to fifty (50) percent of the cost of initial installation of required landscaping shall be submitted to the Planning Department prior to the Planning Department's approval to occupy the site; or

(ii) The landscaper and the property owner shall provide a guarantee, in a form acceptable to the director of planning, to replace such landscaping within the first year of installation. Any transfer of property ownership shall be subject to the guarantee.

(b) For property subject to subdivision plan review, to insure replacement of unhealthy, dying, dead or pollarded landscaping within the first year of installation for sites where the cost of required landscaping is more than $1000 (based on a landscape contractor's estimate satisfactory to the director of planning), a form of surety, satisfactory to the director of planning, in an amount equal to fifty (50) percent of the cost of initial installation of required landscaping, shall be submitted to the Planning

Department.

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(h) *Street trees*: During the site and subdivision construction plan review processes, and for a TND project during the overall development plan review process, required street trees shall be shown including species and caliper, and submitted to, and approved by, the director of planning. In addition, if proposed street trees are to be planted within right of way a plan shall be submitted to ~~and~~ VDOT.

(1) Unless otherwise approved by the director of planning and VDOT during the review of the overall development plan for a TND project, all public and private streets except alleys shall be planted with large maturing street trees on an average of forty (40) feet on center within the street right-of-way of each block, either within a sidewalk area or within a planting strip between the curb and sidewalk having a minimum width of six (6) feet. When small maturing ornamental street trees are proposed, spacing shall average twenty-five (25) feet on center.

(2) Within a TND project, the minimum clear zone shall be established for proposed trees within the public street right-of-way by using six (6) inch vertical curbing for all public streets.

(3) Within a TND project, planting strips within a street right-of-way shall be planted with turf grasses or other low growing plants as approved by VDOT.

(4) For all trees planted in tree wells in a sidewalk area within or adjacent to a public or private street, a minimum of seventy-five (75) square feet by three (3) feet deep beneath the sidewalk shall contain an uncompacted soil mix favorable to healthy tree growth, irrigation, and a subdrain tied to the storm drain system.

(5) Unless otherwise required during subdivision review, trees shall be planted at a maximum spacing of 40 feet on center and no more than five (5) feet outside of the right-of-way in an easement granted to the homeowners association or within the right-of-way if approved by VDOT. For single trunk trees the minimum allowable caliper measured four feet above grade shall be two and one half inches. Multistem trees shall have a minimum of three canes and be a minimum of ten feet in height. Species selected for planting shall be suitable for growing in this vegetative zone and shall be drought tolerant.

(6) The subdivider or developer shall at their expense install all required street trees identified on the approved plans prior to recordation or surety shall be provided in the amount approved by the director of planning and in a form accepted by the county attorney's office, sufficient to guarantee installation. Any surety shall be held by the director of planning. Installation of required street trees within a subdivision shall be completed prior to certificate of occupancy for any lot on

which a street tree is located and prior to state acceptance of the subdivision's streets for any required street trees located outside of lots.

(i) *Landscaping of Best Management Practices (BMP)*: Any BMP required for water quantity or quality control and that is located in public view shall be landscaped and otherwise improved so that the facilities are visually enhanced. These improvements shall include landscaping of sloped edges above full water elevation, and shall include any of the following as required by the director of planning: fountains (wet ponds), curvilinear pond forms, varied contouring of land forms (dry ponds), or other enhancement method as deemed appropriate. Any fencing used shall be of an ornamental design. At the time of ~~site~~ plan review, a plan depicting these requirements shall be submitted for review and approval. Under no circumstances shall requirements for landscaping interfere with any County requirements for the basin design, access, or maintenance.

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Subdivision IV. Buffers and Screening

Secs. 19-520. Purpose and intent.

(a) Buffers shall be designed to provide a horizontal distance and open space between certain uses; preserve vegetation; provide transition and separation; reduce noise and glare; maintain privacy, and/or preserve existing forested vistas adjacent to arterial roads. Buffers shall provide intermittent visual separation between uses and between residential dwellings and certain roads.

(b) Screening shall provide a vertical barrier and shall be designed to block visual or noise impact. When unrelated activities are located adjacent to one another, buffers and screening as required herein shall be used to ensure compatibility between adjacent uses.

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Secs. 19-521. General provisions for buffers and screening.

(a) In addition to the buffers required herein, the board of supervisors; ~~planning commission by modifications to development standards and requirements only;~~ or board of zoning appeals may require buffers at the time of their final decision on applications before them. Buffers shall be of such length, width and type as will effectively and appropriately buffer one use from another use where such uses are deemed to be incompatible, whether such uses are within the same districts or in different districts. Such buffers shall not be used for any purpose other than as permitted herein, or as permitted by the action of the board of supervisors~~, planning commission~~ or board of zoning appeals.

Comment [c11]: Applicable

(b) Existing mature vegetation located within required buffers shall be maintained unless removal is approved during ~~schematic, subdivision or site~~ plan review. Further, preserved

vegetation may be substituted for required landscaping materials if approved during ~~schematic, subdivision or site~~ plan review.

(c) Buffers shall be provided on the lot or parcel being developed with all buffers complying with the matrix contained in section 19-523. On zoning lots with split zoning, any A, R, R-TH, or R-MF zoned portion of the land within the zoning lot may be used for the purpose of part or all of the required buffer when designated as a buffer in a perpetual easement as measured from the Zoning District line. The perpetual buffer easement shall only be allowed if approved during schematic, preliminary plat~~subdivision~~, or site plan review, and shall be recorded as such with the County Clerk and included with the electronic submission of plans to the County prior to issuance of the land disturbance permit. If a split zoned lot is created through the resubdivision of residentially platted property, final plats shall be re-recorded that reflect the changes to the residential lots.

(d) Except as allowed by Sec. 19-521(c), buffers shall be required at the outer boundaries of a lot along the rear and/or side property lines and shall be provided except where openings may be required, as approved at the time of site plan approval.

Comment [c12]: ???????

(e) Unless otherwise specified, buffers not subject to subdivision plan review shall be inclusive of required yards.

(f) Except as provided in this subsection, any buffer subject to subdivision plan review shall be exclusive of the following: easements which are generally parallel to the buffer, street fill slopes, any street cut slopes steeper than 3 to 1 and required setbacks. Building setbacks from buffer(s) that encroach within a lot shall be based upon the lesser of the applicable yard setback requirements of the underlying zoning district or 25 feet. Easements crossing buffers shall generally be at right angles or shall cross the buffer so as to have the least impact to the buffer.

Comment [c13]:

(g~~f~~) When required, screening shall provide complete visual separation of outside storage, loading docks, overhead doors, service areas, trash collection storage areas, vehicle storage yards and similar uses.

(h~~g~~) The only uses permitted by right in buffers shall be landscaping and screening as permitted herein; however, signs; security fencing; utilities which run generally perpendicular through the buffer; pedestrian walkways; or similar uses may be permitted through ~~subdivision, site or schematic~~ plan review, provided that the uses are consistent with the purposes stated in § 19-520 are maintained.

(i) For all buffers, up to fifty percent of the required small maturing deciduous trees may be changed to evergreen trees

(ij~~h~~) Except for buffers required by the board of supervisors as a condition of zoning or by the board of zoning appeals, the requirements for buffers and screening may be waived and/or

modified by the planning commission during schematic or site plan review and approval under any of the following conditions:

(1) If the strict application of the provisions of this subdivision reduces the usable area of a lot, due to lot configuration or size to a point which would preclude a reasonable use of the lot, buffer and/or screening requirements may be waived or modified provided the side or rear of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

(2) If the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques.

(3) If the adjoining land is designated in the county's adopted comprehensive plan for a use which would not require the provision of buffers or screens.

(4) If the adjoining property is used for any public purpose other than a school, day care center or hospital.

(5) If adjacent residential or agricultural property is used for a compatible use which has been permitted by the board of zoning appeals as a special exception or the board of supervisors as a conditional use.

(6) If the topography is such that the requirements of this subdivision would not be effective.

(7) Between uses that are to be developed under a common development plan.

(8) If adjacent residential or agricultural property is undevelopable for residential uses because it is a resource protection area.

(k~~i~~) Except for buffers required by the board of supervisors as a condition of zoning or by the board of zoning appeals, the requirements for buffers and screening may be waived and/or modified during site plan review and approval under any of the following conditions:

(1) When the adjacent lot is in an R District and is occupied by a nonresidential use. If the adjacent lot is vacant, its use shall be considered as residential unless the county's adopted comprehensive plan designates such lot for nonresidential use.

(2) When the parcel is located within the Chester Village Area, adjacent property is not designated by the plan for single-family land uses and the requirements of section 19-609 have been met.

(l) Except for buffers required by the board of supervisors as a condition of zoning or by the board of zoning appeals, the requirements for buffers required by Sec. 19-

523.B. may be waived and/or modified during subdivision plan review and approval under any of the following conditions:

1. For buffers located along arterial roads in the Upper Swift Creek Special Buffer Area, up to 100 feet of total easement width generally parallel to the buffer may be permitted, provided that a vegetated buffer no less than 25 feet in width is maintained between the easements and any lot lines.
2. Parallel along the road side of a buffer a total easement encroachment of up to 15 feet in width for an arterial road buffer and 10 feet in width for a collector road buffer, may be permitted within required buffer areas provided that the buffer is located within open space and plantings are provided to the density required for the applicable road type. In no case shall the vegetated buffer width be reduced to less than 25 feet between easements and any lot lines. The proposed easement encroachment shall be depicted at time of construction plan approval.
3. Subsequent to preliminary plat approval, the director of transportation and the director of planning may administratively authorize modification to buffer widths adjacent to publicly funded collector or arterial road projects up to a maximum of 20 feet along an arterial road and 10 feet along a collector road to facilitate public easements and/or right-of-way. In no case shall the buffer width be reduced to less than 25 feet and no easement encroachment is permitted.

Comment [c14]:

4. In accordance with this subsection, the director of planning may approve alternative landscape designs at time of preliminary plat review:

   a. For any buffer the director of planning may reduce the shrub requirement for buffers where it is determined that another feature such as topography or existing mature vegetation would limit the effectiveness or necessity for shrubs, this may also be granted at time of final plat review based upon field conditions.

   b. For any required buffer located within an area of significant or unique topographical variation which in the opinion of the director planning provides sufficient screening of lots and which negates access to the road which required the buffer.

Comment [c15]:

   c. If the location of a BMP within the required buffer is necessary due to unique site circumstances as determined by the director of environmental engineering, the director of planning may permit such use and provide relief to the buffer requirements provided that:

      1) the BMP is located within recorded open space ~~maintained by the HOA and the BMP facility~~ and the related screening is kept debris free by the HOA,

      2) in addition to the requirements of Sec. 19-518(i) compensating improvements such as plantings, berms, decorative fences or features are

provided between homes and roadway to accomplish the screening intent of the buffer and to negate road access from lots, and

3) the facility i~~I~~s in compliance with provisions of this Chapter.

Comment [c16]:

5.. The director of planning may apply conditions to the preliminary plat and/or the overall conceptual plan to address any aspect of a buffer along a roadway required by this chapter including, but not limited to, relocation of the buffer area and plantings, use of durable decorative walls and fences and/or berms, increase landscaping, add temporary fencing to minimize land disturbance, and/or subdivision redesign. Provided that the resulting buffer improvements and design meet the purpose and intent of such buffers.

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Secs. 19-522. Buffer and screening requirements.

(a) *Buffers:* Unless otherwise specified, buffers shall be provided in an unbroken landscape strip in accordance with section Sec.19-523.

~~Buffers shall be provided as shown on the buffer width matrixes in section 19-523. Landscaping shall be accomplished within required buffers as follows:~~

~~(1) A buffer less than 50 feet shall consist of an unbroken strip of open space and shall be planted in accordance with perimeter landscaping C.~~

~~(2) A 50-foot buffer shall consist of an unbroken strip of open space and shall be planted at one and five-tenths times the density of perimeter landscaping C:~~

~~(3) A 75-foot buffer shall consist of an unbroken strip of open space and shall be planted at two times the density of perimeter landscaping C.~~

~~(4) A 100-foot buffer shall consist of an unbroken strip of open space and shall be planted at two and five-tenths times the density of perimeter landscaping C.~~

~~For all buffers, up to fifty percent of the required small maturing deciduous trees may be changed to evergreen trees.~~

Comment [c17]: Move to buffers 19-521

~~(5) A 100-foot buffer shall consist of an unbroken strip of open space and shall be planted at three times the density of perimeter landscaping C.~~

(b) *Screening*: Screening shall be accomplished by building design or by the use of durable architectural walls or fences constructed of comparable materials to the principal building and using a design compatible to the principal building on the property unless the director of planning determines that:

(1) Berms or other land forms can be installed that provide screening which meets the spirit and intent of the zoning ordinance; and

(2) The berms or land forms are part of the natural terrain or integrated to appear that they are part of the natural terrain.

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~~Secs. 19-523. Buffer width matrix.~~

~~(a) *Buffers between adjacent properties.* The required width of buffers shall be determined from the following matrix. The left column of the matrix represents the zoning of the lot on which the buffer must be provided and the top column of the matrix represents the zoning district of property contiguous to the zoning lot. The interior numbers in the matrix represent the width in feet of the required buffer on the zoning lot. However, whenever the primary use on a parcel zoned O, C or I is a single family residential subdivision, adjacent parcels shall be required to apply the buffer matrix below as though the property is residentially zoned.~~

~~BUFFER WIDTH MATRIX~~

	A*	R-7/88 R-TH/R-MF MH Districts
A*	+	+
R-7/88	+	+
R-TH/R-MF	+	50**
MH Districts	+	50**
O-1	+	40
O-2	+	50
C-1	+	40
C-2	+	50
C-3	+	75
C-4	+	75
C-5	+	100
I-1	100	100
I-2	100	100
I-3	100	100

~~*Note: In all zoning districts except Industrial zoned districts, buffers are only required adjacent to property zoned "A" when the property is vacant and its designation on the comprehensive plan is for residential uses. Property zoned I-1 through I-3 requires a buffer when adjacent to property zoned "A" that is occupied by a residential use or the property is designated on the comprehensive plan for residential uses.~~

~~**Note: Where property zoned R-7 through R-88 is adjacent to property zoned R-TH, R-MF, or MH, a buffer shall be required on the R-TH, R-MF, or MH property. No buffers are necessary between any single-family residential districts unless required by the board of supervisors, planning commission (modification to development standards and requirements only) or board of zoning appeals.~~

Secs. 19-523. Buffer width and landscaping requirements.

A. Buffers between adjacent properties: The width and landscaping requirements of buffers shall be determined by following matrices.

1. Buffers Exclusive of the (Northern) Jefferson Davis Corridor. The required width and planting density of buffers between different zoning districts shall be determined in this matrix. . The left column represents the zoning of the property on which the buffer must be provided, the middle columns represent the zoning district of the adjacent property and the right column designates the required landscaping to be provided within buffer.~~TABLE 19-524.9A. REQUIRED BUFFER WIDTHS BETWEEN DIFFERENT ZONING DISTRICTS EXCLUSIVE OF JEFFERSON DAVIS CORRIDOR~~

SUBJECT PROPERTY ZONING [1]	BUFFER WIDTH (FEET)					Equivalent Perimeter Landscaping [2]~~Landscape Requirement~~
	Adjacent to "A" occupied by Residential	Adjacent to R-7 thru R-88, R-C or vacant "A" property designated on Comprehensive Plan for Residential Use	Adjacent to R-TH	Adjacent to MH	Adjacent to R-MF	
R-TH		50				1 X C
R-MF		50	50			1.5 X C
O-1		40	40	40	40	1 X C
O-2		50	50	50	50	1.5 X C
C-1		40	40	40	40	1 X C
C-2		50	50	50	50	1.5 X C
C-3		75	75	75	75	2 X C
C-4		75	75	75	75	2 X C
C-5		100	100	100	100	2.5 X C
I-1	100	100	100	100	100	2.5 X C
I-2	100	100	100	100	100	2.5 X C
I-3	100	100	100	100	100	2.5 X C

[1] If the subject property is adjacent to property zoned O, C or I that is occupied by a single family residential subdivision, a buffer shall be provided on the subject property as though the adjacent O, C or I property were zoned R-7 through R-88 or R-C.

[2] Post construction vegetation shall be equivalent to the multiplier times the Perimeter Landscaping C ~~B~~ requirements of Sec. 19-518 of the Code. For buffer widths not specified, treatment shall meet the standards of the next highest buffer width and in no case shall- it exceed 2.5~~3~~ X C~~B~~.

2~~3~~. Buffers ~~Widths~~ Within the (Northern) Jefferson Davis Corridor. The required width and planting density of buffers between different zoning districts shall be determined in this matrix~~from Table 19-524.9B~~. The left column represents the zoning of the property on which the buffer must be provided, the ~~and the~~ middle ~~and right~~ columns represent the zoning district of the adjacent property and the right column designates the required landscaping to be provided within buffer.~~.~~

SUBJECT PROPERTY ZONING [1]	BUFFER WIDTH (FEET)				Equivalent Perimeter Landscaping [2]~~Landscape Requirement~~
	Adjacent to R-7 thru R-88, R-C or vacant "A" property designated on Comprehensive Plan for Residential Use	Adjacent to R-TH	Adjacent to MH	Adjacent to R-MF	
R-TH	25				1 X C
R-MF	25	25			1 X C
O-1	25	25	25	25	1 X C
O-2	25	25	25	25	1 X C
C-1	25	25	25	25	1 X C
C-2	25	50	25	25	1 X C
C-3	25	25	25	25	1 X C
C-4	25	25	25	25	1 X C
C-5	25	25	25	25	1 X C
I-1	25	25	25	25	1 X C
I-2	75	75	75	75	2 X C
I-3	100	100	100	100	2.5 X C

[1] If the requirements of the (Northern) Jefferson Davis Corridor allow building or parking areas to be constructed without being setback from the property line, a buffer shall not be required.

[2] Post construction vegetation shall be equivalent to the multiplier times the Perimeter Landscaping C requirements of Sec. 19-518 of the Code. For buffer widths not specified, treatment shall meet the standards of the next highest buffer width and in no case shall it exceed 2.5 X C.

~~(b) Buffers adjacent to streets. The required width of buffers shall be determined from the following matrix.~~

	~~Arterial Streets~~	

~~Upper Swift Creek Plan area~~ ~~R-7/88/R-TH~~ ~~Other areas~~ ~~R-7/88/R-TH~~	 ~~100~~ ~~50~~	
	~~Collector Streets~~	
~~R-7/88/R-TH~~	~~35~~	
	~~Residential Collector Streets~~	
~~R-7/88/ R-TH~~	~~30~~	
	~~Local streets to negate double frontage condition~~	
~~R-7/88/R-TH~~	~~20~~	

B. Buffers adjacent to roads for lot subdivisions. Unless otherwise specified, for property located within a lot subdivision, as defined in Chapter 17, the required width and planting density of buffers adjacent to roads shall be determined in this matrix. Within each of the designated areas, the left columns represents the road classification, the middle columns represent the required buffer width and the right column designates the required landscaping to be provided within buffer.

Upper Swift Creek Special Buffer Area for Preliminary plat approved after October 2007			All other areas		
Road Classification	Buffer Width	Equivalent Perimeter Landscaping [1][2]	Road Classification	Buffer Width	Equivalent Perimeter Landscaping [1][2]
Residential Collector	30	1.8 X B	Residential Collector	30	1.8 X B
Collector	35	2.1 XB	Collector	35	2.1 XB
Arterial	100	3 X B	Arterial	50	3 X B

[1] Post construction vegetation shall be equivalent to the multiplier times the Perimeter Landscaping B requirements of Sec. 19-518 of the Code. For buffer widths not specified, treatment shall meet the standards of the next highest buffer width and in no case shall it exceed 3 X B.

[2] Required plantings may be modified or reduced as provided in section 19-521.

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Secs. 19-526. Crossovers.

(a) A crossover, as used in this article, shall mean any break in the median of a divided road.

(b) Developers of all parcels or lots located at existing or proposed crossovers shall submit a plan which addresses access for the surrounding area to the director of transportation for approval, prior to site plan or preliminary plattentative subdivision approval. The director of transportation may require the owner(s) of such parcels or lots to provide shared access to adjacent properties by easements and/or public rights-of-way.

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Sec. 19-551. Street frontage required--Residential and agricultural.

Lots or parcels located within Residential or Agricultural districts shall be subject to the following street frontage requirements:

(a) Unless otherwise specified in this chapter and except for farm buildings, any lot or parceloutside a subdivision, as defined in section 17-2, used in whole or in part for dwelling purposes, including manufactured homes, shall have at least 50 feet of frontage on a street.

(b) After February 27, 2001, for lots within a lot subdivision as defined in Chapter 17 the requiredshall have street frontage shall beof at least 50 feet upon a local street provided that such frontage may be reduced to or 30 feet on the bulb of a permanent cul-de-sac,. Frontage of at least 30 feet may be permitted at the radial terminus of a loop street or on the flagpole portion of a flag lot., but all other lots shall have at least 50 feet of frontage.

(c) Lots or parcels created through the family subdivision provisions of Chapter 17 shall have a minimum of 15 feet of frontage on a street.

(d) Unless otherwise specified in this chapter, wWhere lots are permitted to front on arterial, collector or residential collector streets, the minimum frontage shall be at least 50 feet and the number and location of driveways shall be approved by the director of transportation. Parcels as defined in the subdivision ordinance shall have frontage as required by section 17-2.

(e) No lot or parcel abutting the terminus line of a public street shall be considered to have frontage unless it has frontagefronts for at least 30 feet on a recorded cul-de-sac of at least

30 feet or is located along the terminus line of a ~~the~~ stub street as defined in Sec. 17-85 of the Code, provided that the stub street is not anticipated to be extended and is approved as frontage, through the preliminary~~tentative~~ or minor subdivision plat review process.~~, by the planning commission or the directors of the planning and transportation departments as frontage~~.

(f) A lot or parcel without street frontage may be used for temporary dwelling purposes with a manufactured home; however, in considering applications for permits and special exceptions, in addition to other land use considerations, due regard shall be given to whether the lot or parcel has at least 50 feet of frontage.

(g)~~(b)~~ Unless otherwise specified, no permit for erecting, moving or converting any building on a lot or parcel~~ outside a subdivision, as defined in section 17-2,~~ shall be issued unless the street adjoining the parcel where the building is to be erected, moved or converted is a part of the state highway system, primary or secondary. This provision shall not apply to farm buildings or other structures not designed for human habitation.

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Sec. 19-555. Required yards for accessory buildings and structures in R, R-TH, MH and A Districts.

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(7) For lots within a subdivision, the setback for an accessory structure directly adjacent to a buffer required by Sec.19-523, may be reduced to 5 feet from the buffer. All other yard setbacks shall comply with this section.

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Sec. 19-559. Required homeowners' association.

(a) A homeowners' association shall be required to be formed during the final plat~~subdivision~~ process when any of the following conditions are proposed:

(1) t~~T~~here is to be commonly held property or open space, and;

(2) t~~T~~here are to be streets/alleys/vehicular/pedestrian access ways, and/or sidewalks that are not maintained by the county or VDOT.~~; and~~

~~(3) There are to be SWM/BMPs located on commonly held property. (Hereinafter these items are referred to as commonly held property.)~~

(b) In conjunction with the submission of the final ~~check~~ plat, the subdivider shall submit articles of incorporation, bylaws, and restrictive covenants (collectively bylaws) to the director of planning and the county attorney's office for review and approval. ~~An additional copy shall be submitted for review and approval by the director of environmental engineering if SWM/BMPs are located on commonly held property. An additional copy shall be submitted for review and approval by the director of transportation if there are streets/alleys/vehicular/pedestrian access ways, and/or sidewalks that are not maintained by the county or VDOT and~~ A~~a~~n additional copy shall be submitted for review and approval by the

director of utilities ~~for all townhouse and private road subdivisions~~ to address ownership and maintenance responsibilities for any privately owned utilities.

(c) The following elements shall be incorporated into the bylaws of the homeowners' association:

(1) The homeowners' association shall own and maintain all commonly held ~~open space and recreation facilities~~property;

(2) The homeowners' association shall be responsible for and required to collect sufficient dues that at a minimum provide ~~for~~:

a. p~~P~~ayment of taxes on ~~commonly held property~~, and~~.~~

b. f~~F~~unding for repairs/maintenance and replacement of facilities in common property.

(3) A homeowners' association required by this section shall not have the ability to dissolve its existence nor dispose of real property without prior written approval from the director~~s~~ of planning.~~, environmental engineering and transportation.~~

~~(4) The maintenance responsibilities of the homeowners' association of commonly held property containing a SWM and/or BMP shall be detailed in the restrictive covenants.~~

(4~~5~~) The maintenance responsibilities of the homeowners' association of commonly held property and easements containing ~~streets/alleys/vehicular/~~private pavement, pedestrian access ways, ~~and/or~~ sidewalks that are not maintained by the county or VDOT and retaining walls requiring building permit approval shall be identified~~detailed~~ in the restrictive covenants.

(d) The final ~~check and record~~ plat~~s~~ shall indicate the maintenance responsibility of the homeowners' association.

(e) In conjunction with recordation, approved articles of incorporation shall be filed with the Virginia State Corporation Commission and shall be recorded with the bylaws and restrictive covenants of the homeowners' association ~~and the restrictive covenants~~ with the clerk of the circuit court.

(f) Subdividers that are required to create homeowners' associations under this subsection shall fund the financial responsibilities of the homeowners association as identified in (c) above until such time as the operation of the association, as specified in the restrictive covenants, is controlled by the residents of the subdivision.

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19-560. Setbacks from petroleum transmission lines in agricultural, residential, townhouse residential, manufactured home and multifamily residential districts.

For any lot within a subdivision,recorded on or after July 7, 1988, a 20-foot minimum setback for all structures shall be provided from any petroleum product transmission pipeline easement or 35 feet from the pipeline, whichever is greater. Such setback shall be depicted on the final plat.

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Sec. 19-561. Setbacks from temporary turnaround easements in lot subdivisions.

No structure may be located closer than the 20 foot from a recorded temporary turnaround easement or the required yard setback from the ultimate street right-of-way whichever is greater.

Comment [c18]: Formerly 17-62.4.c

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Sec. 19-562. Special setback from limited access streets

For all lots within a subdivision recorded on or after February 28, 2001, a setback distance of 200 feet, exclusive of required yards, shall be provided from the right-of-way of a limited access street, unless at time of preliminary plat review a noise study meeting the approval of the director of transportation is provided and the director of transportation determines that such study demonstrates that a lesser distance is acceptable. The limits and requirements of this setback shall be shown on final plat. Natural vegetation within the setback area shall be retained, except where limited removal is determined at time of plan review to be necessary for the installation of noise attenuation measures.

Comment [c19]: From 17-70.A.2

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Sec. 19-582. Exceptional development standards in the Jefferson Davis Highway Corridor.

~~(c) *Buffer width matrix*: The required width of buffers shall be determined from the following matrix. The left column of the matrix represents the zoning of the lot on which the buffer must be provided and the top column of the matrix represents the zoning of property contiguous to the zoning lot. The numbers in the matrix represent the width in feet of the required buffer:~~

	~~A[1]~~	~~R-7/88~~	~~R-TH/R-MF~~	~~MH Districts~~
~~A[1]~~	~~+~~	~~+~~		
~~R-7/88~~	~~+~~	~~+~~		
~~R-TH/R-MF~~	~~+~~	~~25[2,3]~~		
~~MH Districts~~	~~+~~	~~25[2,3]~~		
~~O-1~~	~~+~~	~~25[3]~~		
~~O-2~~	~~+~~	~~25[3]~~		
~~C-1~~	~~+~~	~~25[3]~~		
~~C-2~~	~~+~~	~~25[3]~~		
~~C-3~~	~~+~~	~~25[3]~~		
~~C-4~~	~~+~~	~~25[3]~~		
~~C-5~~	~~+~~	~~25[3]~~		
~~I-1~~	~~+~~	~~25[3]~~		
~~I-2~~	~~+~~	~~75[3]~~		

~~I-3 + 100[3]~~

~~[1]Buffer widths adjacent to vacant agriculturally zoned property shall be determined based on the land use designation shown on the comprehensive plan for the property.~~

~~[2]When property zoned R-7 through R-88 is adjacent to R-TH, R-MF, or MH property, a buffer shall be required on the R-TH, R-MF, or MH property. There shall be no buffer requirements between any single-family residential districts unless required by the board of supervisors, planning commission or board of zoning appeals.~~

~~[3]Except in MH districts, buffers shall not be required if this article permits buildings or parking areas to be constructed without being set back from the property line.~~

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Sec. 19-608. Exceptional development standards.

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(h) *Buffers and screening in the Ettrick Village Core*: Buffers required by section 19-523A shall not apply.

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Comment [c20]: MOVED, now 19-518.A.2