Chesterfield County, Virginia

Memorandum

DATE: AUGUST 10, 2007

TO: CHESTERFIELD COUNTY PLANNING COMMISSION

FROM: KIRKLAND A. TURNER, DIRECTOR OF PLANNING

SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT RELATING TO THE OPERATION OF MOTORCYCLES, ATVs, AND GO-CARTS ON AGRICULTURAL AND RESIDENTIAL PROPERTY

Background

In the past year several situations have been brought to the attention of the Planning Department where county citizens have made improvements to their residential or agriculturally zoned property to create tracks for the operation of motorcycles, go-carts or all-terrain vehicles. The use of these tracks has created detrimental conditions for neighbors due to noise, light and dust.

On July 25, 2007, the Board of Supervisors referred the proposed Zoning Ordinance amendments to County Code Sections 19-65 and 19-124 to the Planning Commission.

What is Proposed

The proposed amendments to the Zoning Ordinance would permit the operation of motorcycles, go-carts or all-terrain vehicles on agriculturally and residentially zoned property. However, it would not permit the creation of a track or path for the vehicles on residentially zoned property. The proposed amendments would also restrict tracks and paths on agriculturally zoned property to no closer than 1,000 feet to residentially zoned property.

Physical improvements such as lights, grading, pavement and grandstands for the operation of motorcycles, go-carts or all-terrain vehicles would also not be permitted on residentially or agriculturally zoned property.

County planning staff has sought to balance the rights of individuals to enjoy recreational activities on their property with the rights of neighboring property owners to be able to enjoy their own property without excessive noise, light or dust. If this ordinance is adopted it will only apply to tracks created after the effective date of the ordinance.

Planning staff recommends that these proposed amendments be placed on the Planning Commission's September 18, 2007, docket for a public hearing. Should you have questions you can contact Ted Barclay at 748-1802 or me.

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND RE-ENACTING SECTIONS 19-65 AND 19-124 RELATING TO USES PERMITTED WITH CERTAIN RESTRICTIONS IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-65 and 19-124 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Model homes, provided that:

(1) In addition to its permanent use as a dwelling, such home may be used as a temporary real estate office.

(2) The temporary real estate office is only used to market the development in which the dwelling is located and is not used for the sale of lots or houses outside of the platted subdivision in which it is located.

(3) The temporary real estate office is incidental to construction activity taking place in the development.

(4) The dwelling is not the primary real estate office for the company marketing the subdivision.

(5) The dwelling is not used as a construction office or for the storage of construction equipment and/or materials.

(b) Family day-care homes, provided that no more than five children exclusive of the provider's own children and any children who reside in the home receive care at any one time during a 24-hour day.

(c) Yard sales, provided that the sale:

(1) Is accessory to a principal use on the same property.

(2) Does not exceed two days in duration.

(3) Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household.

(4) Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

(d) Communications towers, provided that:

(1) Antennae are co-located on electric transmission structures.

(2) Antennae are a flush-mount design and do not exceed a height of 20 feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.

(3) Antennae shall be gray or another neutral color acceptable to the planning department.

(4) Any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.

(5) At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(e) Home occupation, provided that:

(1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,

(2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25 percent of the floor of the dwelling or 250 square feet, whichever is greater,

(3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,

(4) No commodity is stored or sold on the premises except for light inventory,

(5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads, and

(6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Parking and storage of any commercial truck, commercial vehicle or public service vehicle provided that no such vehicle shall exceed 10,000 pounds, have more than two axles, or be a commercial vehicle which tows or hauls disabled, wrecked or junked vehicles. The restrictions in this subsection shall not apply to (i) trucks or vehicles on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

(g) Motorcycle, go-cart, all-terrain vehicle or similar type vehicle operation, provided as follows:

(1) the operation of the vehicle is not on an improved track or path; and

(2) no physical improvements are provided related to the operation of the vehicle including lights, pavement, grading, grandstand or other improvements.

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Sec. 19-124. Uses permitted with certain restrictions.

The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

(a) Access to any land located in an office, business or industrial district or used for an office, business or industrial purpose, provided that the property is designated for office, business or industrial use on the comprehensive plan.

(b) Family day-care homes provided that no more than five children exclusive of the provider's own children and children who reside in the home receive care at any one time during a 24-hour day.

(c) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(d) Communications towers, provided that:

(1) Antennae are co-located on electric transmission structures.

(2) Antennae are a flush-mount design and do not exceed a height of 20 feet above the height of the electric transmission structure and such height does not exceed the limitations of sections 19-507 and 19-507.2.

(3) Antennae shall be gray or another neutral color acceptable to the planning department.

(4) Any building or mechanical equipment shall comply with Emerging Growth Area Development Standards relative to architectural treatment and screening of mechanical equipment.

(5) At such time as the antennae ceases to be used for communications purposes for a period exceeding 12 consecutive months, such antennae shall be dismantled and it and all associated equipment removed from the property.

(e) Home occupation, provided that:

(1) No employees shall be permitted to work on the premises other than family member employees that live on the premises,

(2) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25 percent of the floor of the dwelling or 250 square feet, whichever is greater,

(3) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,

(4) No commodity is stored or sold on the premises except for light inventory,

(5) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads, and

(6) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only two clients may be on the property at any one time.

(f) Motorcycle, go-cart, all-terrain vehicle or similar type vehicle operation, provided as follows:

(1) the operation of the vehicle is not on an improved track or path located within 1000 feet of residentially zoned property; and

(2) no physical improvements are provided related to the operation of the vehicle including lights, pavement, grading, grandstand or other improvements.

(2) That this ordinance shall become effective immediately upon adoption.