Chapter 19

ZONING*

Article I. General Provisions

Division 1. Purpose and Interpretation

Sec. 19-1. Purpose of chapter.
Sec. 19-2. Interpretation and application of chapter.
Sec. 19-3. Nonconforming uses.

Division 2. Conformity and Enforcement

Sec. 19-4. Conformity with chapter required.
Sec. 19-5. Enforcement.
Sec. 19-6. Civil penalties for certain violations.
Secs. 19-7--19-10. Reserved.

Article II. Amendments to Chapter/Districts

Division 1. Rezoning, Conditional Zoning, Conditional Use, Conditional Use Planned Development and Modifications to Development Standards and Requirements

Sec. 19-11. Procedure.
Sec. 19-12. Conditional zoning.
Sec. 19-13. Conditional uses.
Sec. 19-14. Conditional use planned developments.
Sec. 19-15. Term; revocation.
Sec. 19-16. Amendments.
Sec. 19-17. Zoning amendments.
Sec. 19-18. Existing conditional use or conditional use planned development.
Sec. 19-19. Planning commission may grant modifications to development standards and requirements.
Sec. 19-19.1. Administrative decisions and appeals to the board of zoning appeals.

Division 2. Variances; Special Exceptions; Appeals

Sec. 19-20. Board of zoning appeals--Generally.
Sec. 19-21. Same--Powers and duties.

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*Cross references: Industrial development authority, § 2-31 et seq.; amusements, ch. 3; animals, ch. 4; buildings, ch. 5; certificate of zoning compliance for businesses, § 6-9; erosion and sediment control, ch. 8; siting of solid waste management facilities, § 11-71 et seq.; parking trucks on residential roads, § 13-42; restriction on keeping inoperative motor vehicles, § 13-62; noise, § 14-26 et seq.; nightclubs and other adult entertainment, § 15-121 et seq.; streets, sidewalks and public places, ch. 16; subdivision of land, ch. 17.

Sec. 19-22. Certiorari to review decision of board of zoning appeals.
Sec. 19-23. Director of planning; authority to grant administrative variances.

Division 3. Applications, Fees and Notification

Sec. 19-24. Applications.
Sec. 19-25. Fees.
Sec. 19-26. Hearings; notification and posting of property.
Sec. 19-27. Applications within 12 months.
Secs. 19-28--19-40. Reserved.

Article III. Districts

Division 1. General Provisions

Sec. 19-41. Districts enumerated.
Sec. 19-42. Special districts.
Sec. 19-43. Maps.
Sec. 19-44. Determination of boundaries.

Division 2. Historic Districts, Landmarks and Landmark Sites

Sec. 19-45. Designation of historic districts, landmarks and landmark sites.
Sec. 19-46. Creation of preservation committee.
Sec. 19-47. Procedure for designating an historic district, landmark and landmark site.
Sec. 19-48. Responsibilities of the planning commission and preservation committee.
Sec. 19-49. Action by the board of supervisors.
Sec. 19-50. Standards for designation of historic districts.
Sec. 19-51. Certificates of appropriateness.
Sec. 19-52. Emergency alterations or demolitions by public officials.
Sec. 19-53. Appeal from decision of the board of supervisors.
Sec. 19-54. Penalties.

Division 3. Floodplain Districts

Sec. 19-55. Purpose.
Sec. 19-56. Duties generally of director of environmental engineering.
Sec. 19-57. Floodplains and zones generally.
Sec. 19-58. Floodplain regulations.
Sec. 19-59. Applications for variances or modifications to development standards or requirements.
Sec. 19-60. Factors to be considered in granting building permits, variances and modifications to development standards or requirements.
Sec. 19-61. Existing structures in floodplain districts.
Sec. 19-62. Additional provisions relative to flood hazard mitigation.
Sec. 19-63. County liability.

Division 4. R-88 Residential District

Sec. 19-64. Permitted uses by right.
Sec. 19-65. Uses permitted with certain restrictions.
Sec. 19-66. Accessory uses, buildings and structures.
Sec. 19-67. Conditional uses.
Sec. 19-68. Special exceptions.
Sec. 19-69. Required conditions.

Division 5. R-40 Residential District

Sec. 19-70. Permitted uses by right.
Sec. 19-70.1. Uses permitted with certain restrictions.
Sec. 19-71. Accessory uses, buildings and structures.
Sec. 19-72. Conditional uses.
Sec. 19-73. Special exceptions.
Sec. 19-74. Required conditions.

Division 6. R-25 Residential District

Sec. 19-75. Permitted uses by right.
Sec. 19-75.1. Uses permitted with certain restrictions.
Sec. 19-76. Accessory uses, buildings and structures.
Sec. 19-77. Conditional uses.
Sec. 19-78. Special exceptions.
Sec. 19-79. Required conditions.

Division 7. R-15 Residential District

Sec. 19-80. Permitted uses by right.
Sec. 19-80.1. Uses permitted with certain restrictions.
Sec. 19-81. Accessory uses, buildings and structures.
Sec. 19-82. Conditional uses.
Sec. 19-83. Special exceptions.
Sec. 19-84. Required conditions.

Division 8. R-12 Residential District

Sec. 19-85. Permitted uses by right.
Sec. 19-85.1. Uses permitted with certain restrictions.
Sec. 19-86. Accessory uses, buildings and structures.
Sec. 19-87. Conditional uses.
Sec. 19-88. Special exceptions.
Sec. 19-89. Required conditions.

Division 9. R-9 Residential District

Sec. 19-90. Permitted uses by right.
Sec. 19-90.1. Uses permitted with certain restrictions.
Sec. 19-91. Accessory uses, buildings and structures.
Sec. 19-92. Conditional uses.
Sec. 19-93. Special exceptions.
Sec. 19-94. Required conditions.

Division 10. R-7 Residential District

Sec. 19-95. Permitted uses by right.
Sec. 19-95.1. Uses permitted with certain restrictions.
Sec. 19-96. Accessory uses, buildings and structures.
Sec. 19-97. Conditional uses.
Sec. 19-98. Special exceptions.
Sec. 19-99. Required conditions.
Sec. 19-100. Manufactured homes prohibited except under certain conditions.

Division 11. R-TH Residential-Townhouse District

Sec. 19-101. Permitted uses by right.
Sec. 19-102. Uses permitted with certain restrictions.
Sec. 19-103. Accessory uses, buildings and structures.
Sec. 19-104. Conditional uses.
Sec. 19-105. Required conditions.
Sec. 19-106. Exemptions.

Division 12. R-MF Multifamily Residential District

Sec. 19-107. Permitted uses by right.
Sec. 19-107.1. Uses permitted with certain restrictions.
Sec. 19-108. Accessory uses, buildings and structures.
Sec. 19-109. Conditional uses.
Sec. 19-110. Special exceptions.
Sec. 19-111. Required conditions.
Sec. 19-112. Exemptions.

Division 13. MH-1 Manufactured or Mobile Home Park District

Sec. 19-113. Permitted uses by right.
Sec. 19-114. Accessory uses, buildings and structures.
Sec. 19-114.1. Accessory use required conditions.
Sec. 19-115. Conditional uses.
Sec. 19-116. Special exceptions.
Sec. 19-117. Required conditions.

Sec. 19-117.1. Recreational vehicles.
Sec. 19-117.2. Manufactured home representative layout required.

Division 14. MH-2 Manufactured or Mobile Home Subdivision District

Sec. 19-118. Permitted uses by right.
Sec. 19-118.1. Uses permitted with certain restrictions.
Sec. 19-119. Accessory uses, buildings and structures.
Sec. 19-120. Conditional uses.
Sec. 19-121. Special exceptions.
Sec. 19-122. Required conditions.

Division 14.1. MH-3 Manufactured Home Park District

Sec. 19-122.1. Permitted uses by right.
Sec. 19-122.2. Uses permitted with certain restrictions.
Sec. 19-122.3. Accessory uses, buildings and structures.
Sec. 19-122.4. Accessory use required conditions.
Sec. 19-122.5. Conditional uses.
Sec. 19-122.6. Special exceptions.
Sec. 19-122.7. Required conditions.
Sec. 19-122.8. Site plan required.

Division 15. A Agricultural District

Sec. 19-123. Permitted uses by right.
Sec. 19-124. Uses permitted with certain restrictions.
Sec. 19-125. Accessory uses, buildings and structures.
Sec. 19-126. Conditional uses.
Sec. 19-127. Special exceptions.
Sec. 19-128. Required conditions.

Division 16. O-1 Neighborhood Office District

Sec. 19-129. Purpose and intent of district.
Sec. 19-130. Permitted uses by right.
Sec. 19-131. Uses permitted with certain restrictions.
Sec. 19-132. Accessory uses, buildings and structures.
Sec. 19-133. Conditional uses.
Sec. 19-134. Special exceptions.
Sec. 19-135. Required conditions.

Division 17. O-2 Corporate Office District

Sec. 19-136. Purpose and intent of district.
Sec. 19-137. Permitted uses by right.

Sec. 19-138. Uses permitted with certain restrictions.
Sec. 19-139. Accessory uses, buildings and structures.
Sec. 19-140. Conditional uses.
Sec. 19-141. Special exceptions.
Sec. 19-142. Required conditions.

Division 18. C-1 Convenience Business District

Sec. 19-143. Purpose and intent of district.
Sec. 19-144. Permitted uses by right.
Sec. 19-145. Uses permitted with certain restrictions.
Sec. 19-146. Accessory uses, buildings and structures.
Sec. 19-147. Conditional uses.
Sec. 19-148. Special exceptions.
Sec. 19-149. Required conditions.

Division 19. C-2 Neighborhood Business District

Sec. 19-150. Purpose and intent of district.
Sec. 19-151. Permitted uses by right.
Sec. 19-152. Uses permitted with certain restrictions.
Sec. 19-153. Accessory uses, buildings and structures.
Sec. 19-154. Conditional uses.
Sec. 19-155. Special exceptions.
Sec. 19-156. Required conditions.

Division 20. C-3 Community Business District

Sec. 19-157. Purpose and intent of district.
Sec. 19-158. Permitted uses by right.
Sec. 19-159. Uses permitted with certain restrictions.
Sec. 19-160. Accessory uses, buildings and structures.
Sec. 19-161. Conditional uses.
Sec. 19-162. Special exceptions.
Sec. 19-163. Required conditions.

Division 21. C-4 Regional Business District

Sec. 19-164. Purpose and intent of district.
Sec. 19-165. Permitted uses by right.
Sec. 19-166. Uses permitted with certain restrictions.
Sec. 19-167. Accessory uses, buildings and structures.
Sec. 19-168. Conditional uses.
Sec. 19-169. Special exceptions.
Sec. 19-170. Required conditions.

Division 22. C-5 General Business District

Sec. 19-171. Purpose and intent of district.
Sec. 19-172. Permitted uses by right.
Sec. 19-173. Uses permitted with certain restrictions.
Sec. 19-174. Accessory uses, buildings and structures.
Sec. 19-175. Conditional uses.
Sec. 19-175.1. Conditional use criteria for adult businesses.
Sec. 19-176. Special exceptions.
Sec. 19-177. Required conditions.
Sec. 19-178. Manufactured homes.

Division 23. I-1 Light Industrial District

Sec. 19-179. Purpose and intent of district.
Sec. 19-180. Permitted uses by right.
Sec. 19-181. Uses permitted with certain restrictions.
Sec. 19-182. Accessory uses, buildings and structures.
Sec. 19-183. Conditional uses.
Sec. 19-184. Special exceptions.
Sec. 19-185. Required conditions.

Division 24. I-2 General Industrial District

Sec. 19-186. Purpose and intent of district.
Sec. 19-187. Permitted uses by right.
Sec. 19-188. Uses permitted with certain restrictions.
Sec. 19-189. Accessory uses, buildings and structures.
Sec. 19-190. Conditional uses.
Sec. 19-191. Special exceptions.
Sec. 19-192. Required conditions.

Division 25. I-3 Heavy Industrial District

Sec. 19-193. Purpose and intent of district.
Sec. 19-194. Permitted uses by right.
Sec. 19-195. Uses permitted with certain restrictions.
Sec. 19-196. Accessory uses, buildings and structures.
Sec. 19-197. Conditional uses.
Sec. 19-198. Special exceptions.
Sec. 19-199. Required conditions.
Secs. 19-200--19-220. Reserved.

Article IV. Countywide Development Standards

Division 1. General Provisions

Sec. 19-221. Development Standards Manual.
Sec. 19-222. Continued conformity with bulk regulations.
Sec. 19-223. Minimum requirements not to be encroached upon.
Sec. 19-224. Division of zoning lots.

Division 2. RESERVED

Sec. 19-225. Reserved.

Division 3. Use Limitations

Sec. 19-226. Service stations and public garages.
Sec. 19-227. Sale of alcoholic beverages near schools.

Division 4. Chesapeake Bay Preservation Areas

Sec. 19-228. Resource protection area boundaries.
Sec. 19-229. Resource management area boundaries.
Sec. 19-230. Chesapeake Bay preservation areas maps.
Sec. 19-231. Boundary adjustments.
Sec. 19-232. Resource protection area regulations.
Sec. 19-233. Resource management area regulations.
Sec. 19-234. Exemptions.
Sec. 19-235. Exceptions.
Sec. 19-236. Other exceptions.

Division 5. Upper Swift Creek Watershed

Sec. 19-237. Upper Swift Creek watershed.
Sec. 19-238. Development regulations.
Sec. 19-238.5. Boundary adjustments.
Sec. 19-239. Exemptions.
Sec. 19-240. Exceptions.

Division 6. Stormwater Management and Best Management Practice Basins

Sec. 19-241. Design criteria for all basins.
Sec. 19-242. Minimum criteria for basins serving as a best management practice for water quality improvement.
Sec. 19-243. Exemption and exceptions.
Secs. 19-244--19-260. Reserved.

Article V. Schematic Plans, Site Plans and Improvement Sketches

Division 1. Schematic Plans

Sec. 19-261. Schematic plans.

Division 2. Site Plans

Sec. 19-262. Uses exempt from the site plan process.
Sec. 19-263. Uses requiring site plan approval.
Sec. 19-264. Preparation and submission of site plans.
Sec. 19-265. Site plan processing.
Sec. 19-266. Uses eligible for the minor site plan review process.
Sec. 19-267. Minor site plan review process.
Sec. 19-268. Administrative site plan review process.
Sec. 19-268.1. Qualification as "aggrieved person".
Sec. 19-269. Planning commission site plan review process.
Sec. 19-270. Site plan approval.
Sec. 19-271. Adjustments in approved site plan.
Sec. 19-272. Construction to be in accordance with site plan; prerequisite to issuing permit.

Division 3. Improvement Sketches

Sec. 19-273. Uses requiring improvement sketch approval.
Sec. 19-274. Preparation and submission of improvement sketches.
Sec. 19-275. Improvement sketch processing.
Sec. 19-276. Period of improvement sketch validity.
Sec. 19-277. Minor or major adjustment in approved improvement sketch.
Sec. 19-278. Development to be in accordance with improvement sketch; prerequisite to issuing building permit.

Division 4. Fees

Sec. 19-279. Fees.
Secs. 19-280--19-300. Reserved.

Article VI. Definitions

Sec. 19-301. Definitions.
Secs. 19-302--19-499. Reserved.

Article VII. Development Standards Manual

Division 1. Development Standards

Subdivision I. General Provisions--Countywide

Sec. 19-500. Variations in requirements when adjacent to vacant land zoned agricultural.
Sec. 19-501. Location of required open space.
Sec. 19-502. Uses without buildings.
Sec. 19-503. Solid waste storage areas.
Sec. 19-504. Front yards for cemeteries and graveyards.
Sec. 19-505. Measurement of yards.
Sec. 19-506. Yards--Setback exemptions.
Sec. 19-507. Height exemptions and limitations.
Sec. 19-507.1. Non-Interference with emergency communications system.
Sec. 19-508. Protection of identified visual resources.
Sec. 19-508.1. Utility lines underground.
Sec. 19-508.2. Requirements for manufactured home parks.

Subdivision II. Parking

Sec. 19-509. Off-street parking.
Sec. 19-510. Restrictions and limitations--Agricultural, residential, residential townhouse, multi-family residential, manufactured homes.
Sec. 19-511. Compliance with regulations necessary before permit issued.
Sec. 19-512. Interpretation of specific requirements.
Sec. 19-513. Parking spaces required.
Secs. 19-514. Design standards for off-street parking.
Secs. 19-515. Off-street loading requirements.

Subdivision III. Landscaping

Secs. 19-516. Purpose and intent--Landscaping.
Secs. 19-517. Landscaping plan and planting requirements.
Secs. 19-518. Plant material specifications.
Sec. 19-519. Landscaping standards for surface parking areas.

Subdivision IV. Buffers and Screening

Secs. 19-520. Purpose and intent.
Secs. 19-521. General provisions for buffers and screening.
Secs. 19-522. Buffer and screening requirements.
Secs. 19-523. Buffer width matrix.

Subdivision V. Access and Internal Circulation--Nonresidential or Mixed-use Developments

Secs. 19-524. Purpose and intent.
Secs. 19-525. Access to arterials and collectors.
Secs. 19-526. Crossovers.
Secs. 19-527. Internal circulation.
Secs. 19-528. Access plan.
Secs. 19-529. Traffic impact analysis.
Secs. 19-530. Required improvements--General provisions.
Secs. 19-531. Pedestrian access.
Secs. 19-532. Appeals of decision of director of transportation.
Secs. 19-533--19-550. Reserved.

Division 2. Development Requirements--Residential, Townhouse Residential, Multifamily Residential and Agricultural

Subdivision I. General Provisions, Development Requirements --Countywide

Sec. 19-551. Street frontage required--Residential and agricultural.
Sec. 19-552. One main building on each residential, manufactured home or agricultural lot.
Sec. 19-553. Residential, townhouse residential, manufactured home and multifamily residential land not to be used for commercial access.
Sec. 19-554. Fences in residential, multifamily residential, manufactured home and townhouse residential districts.
Sec. 19-555. Required yards for accessory buildings and structures in R, R-TH, MH and A Districts.
Sec. 19-556. Heights--Agricultural, residential, townhouse residential, manufactured home and multifamily residential.
Sec. 19-557. Heights--Agricultural, residential, townhouse residential, manufactured home and multifamily residential in village districts.
Sec. 19-558. Architectural standards--Agricultural, residential, townhouse residential and multifamily residential in village districts.
Sec. 19-559. Required homeowners' association.
Secs. 19-560--19-569. Reserved.

Division 3. Development Requirements--Office, Commercial and Industrial

Subdivision I. General Provisions, Development Requirements--Countywide

Sec. 19-570. Architectural treatment.
Sec. 19-571. Reserved.
Sec. 19-572. Loading areas.
Sec. 19-573. Exterior lighting.
Sec. 19-574. Outdoor recreational playfields, grounds and facilities.
Sec. 19-575. Outside storage areas.
Sec. 19-576. Major arterials--Yards.

Sec. 19-577. Setback and yard requirements adjacent to railroads or navigable waterways.
Sec. 19-578. Yard requirements and other development standards adjacent to A, R, R-TH, MH and R-MF districts where A, R, R-TH, MH and R-MF property is occupied by or zoned for nonresidential or nonagricultural use.

Subdivision II. Development Requirements--Specified Areas

Sec. 19-579. Purpose and intent.
Sec. 19-580. Specified areas.
Sec. 19-581. General development standards.
Sec. 19-582. Exceptional development standards in the Jefferson Davis Highway Corridor.
Sec. 19-583. Setback requirements for O, C and I-1 Districts within the Jefferson Davis Highway Corridor.
Sec. 19-584. Setback requirements for I-2 and I-3 Districts within the Jefferson Davis Highway Corridor.
Sec. 19-585. Route 360 corridors east and west.
Sec. 19-585.1. Route 360 corridor east: established commercial.
Sec. 19-585.2. Route 360 corridor east: rural transition.
Sec. 19-585.3. Route 360 corridor east: village center.
Sec. 19-585.4. Route 360 corridor east: corridor focus.
Sec. 19-585.5. Route 360 corridor east: corridor focus; between Hicks Road, Route 360 and the proposed loop road.
Sec. 19-586. Route 360 corridor west: regional and community mixed use areas.
Sec. 19-586.1. Route 360 corridor west: mixed use corridor areas.
Sec. 19-586.2. Route 360 corridor west: architectural compatibility.
Sec. 19-587. Route 10 corridor east: purpose and intent.
Sec. 19-587.1. Route 10 corridor east: yard requirements for office, business and industrial districts.
Sec. 19-587.2. Route 10 corridor east: plant material specifications.
Sec. 19-587.3. Route 10 corridor east: neighborhood mixed use areas – Architecture.
Sec. 19-587.4. Route 10 corridor east: neighborhood mixed use areas – Architectural compatibility.
Sec. 19-588. Old Stage and Coxendale Roads corridor: purpose and intent.
Sec. 19-588.1. Old Stage and Coxendale Roads corridor: yard requirements for office, business and industrial districts.
Sec. 19-588.2. Old Stage and Coxendale Roads corridor: plant material specifications.
Sec. 19-588.3. Courthouse Area Design District: purpose and intent.
Sec. 19-588.4. Courthouse Area Design District – Architecture.
Sec. 19-588.5. Courthouse Area Design Distrct – Architectural compatability.
Sec. 19-589. Enon Core District: purpose and intent.
Sec. 19-589.1. Enon Core District: exceptional development standards.
Sec. 19-589.2. Enon Core District: setback requirements for O and C districts.
Sec. 19-589.3. Enon Core District: architectural treatment.
Sec. 19-589.4. Enon Core District: heights.
Sec. 19-590. Reserved.
Sec. 19-590.1. Purpose and intent of employment center district.

Sec. 19-590.2. Design standards for off-street parking in the employment center district.
Sec. 19-590.3. Yard requirements in the employment center district.
Sec. 19-590.4. Exterior lighting in the employment center district.
Sec. 19-590.5. Outdoor storage in the employment center district.
Sec. 19-590.6. Screening of solid waste storage areas in the employment center district.
Sec. 19-590.7. Architectural treatment in the employment center district.
Sec. 19-590.8. Heights in the employment center district.
Sec. 19-590.9. Loading and storage areas in the employment center district.
Sec. 19-590.10. Design of BMP's in the employment center district.

Subdivision III. Development Requirements--Emerging Growth Areas

Sec. 19-591. Purpose and intent for standards in emerging growth areas.
Sec. 19-592. Areas of applicability and exemptions.
Sec. 19-593. Yard requirements for office, business and industrial districts within emerging growth areas.
Sec. 19-594. Permitted variations in yard requirements.
Sec. 19-595. Architectural treatment.
Sec. 15-596. Reserved.
Sec. 19-597. Use limitations.
Sec. 19-598. Heights.

Subdivision IV. Development Requirements--Post Development Areas

Sec. 19-599. Purpose and intent for standards in post development areas.
Sec. 19-600. Areas of applicability and exemptions.
Sec. 19-601. Yard requirements for office, business and industrial districts within post-development areas.
Sec. 19-602. Permitted variations in yard requirements.
Sec. 19-603. Architectural treatment.
Sec. 19-604. Heights.

Subdivision V. Development Requirements--Village District

Sec. 19-605. Purpose and intent of district.
Sec. 19-606. Areas of applicability and exemptions.
Sec. 19-607. Implementation of plans and guidelines.
Sec. 19-608. Exceptional development standards.
Sec. 19-609. Setback requirements for O and C Districts.
Sec. 19-610. Setback requirements for I Districts.
Sec. 19-611. Architectural treatment.
Sec. 19-612. Heights.
Sec. 19-613. Signs.
Sec. 19-614--19-630. Reserved.

Division 4. Signs

Sec. 19-631. Purpose and intent.
Sec. 19-632. Definitions.
Sec. 19-633. General regulations.
Sec. 19-634. Prohibited signs.
Sec. 19-635. Signs not requiring permits.
Sec. 19-636. Sign design and setback requirements.
Sec. 19-637. Limitation on specific signs.
Sec. 19-638. Banners.
Sec. 19-639. Flags.
Sec. 19-640. Real estate signs.
Sec. 19-641. Sign packages required for nonresidential communities.
Sec. 19-642. Permissible building mounted sign area.
Sec. 19-643. Calculation of building mounted sign area.
Sec. 19-644. Other restrictions for building mounted signs.
Sec. 19-645. Freestanding sign design.
Sec. 19-646. Calculation of freestanding sign area.
Sec. 19-647. Calculation of freestanding sign height.
Sec. 19-648. Freestanding identification signs.
Sec. 19-649. Size restrictions for specific types of freestanding signs.
Sec. 19-650. Nonconforming and illegal signs.
Secs. 19-651--19-660. Reserved.

Division 5. Access and Internal Circulation--Nonresidential or Mixed-use Developments

Sec. 19-661. Purpose and intent.
Sec. 19-662. Access to arterials and collectors.
Sec. 19-663. Crossovers.
Sec. 19-664. Internal circulation.
Sec. 19-665. Access plan.
Sec. 19-666. Traffic impact analysis.
Sec. 19-667. Required improvements--General provisions.
Sec. 19-668. Pedestrian access.
Sec. 19-669. Appeals of decision of director of transportation.

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. PURPOSE AND INTERPRETATION

Sec. 19-1. Purpose of chapter.

The purpose of this chapter is to promote the health, safety, convenience and general welfare of the public and to accomplish the objectives of Code of Virginia, §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is designed:

(1) To provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers or conditions.

(2) To reduce or prevent congestion in the public streets.

(3) To facilitate the creation of a convenient, attractive and harmonious community.

(4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, waste water, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.

(5) To protect against destruction of or encroachment upon historic areas.

(6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers or conditions.

(7) To encourage economic development activities that provide desirable employment and enlarge the tax base.

(8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.

(9) To protect surface water and groundwater.

(10) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.

(11) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated.

(Code 1978, § 21.1-1; Ord. of 10-13-99, § 1)

State law references: Intent, Code of Virginia, § 15.2-2200; purpose, Code of Virginia, § 15.2-2283.

Sec. 19-2. Interpretation and application of chapter.

The director of planning shall interpret the zoning ordinance as provided herein.

(a) In interpreting and applying this chapter, the provisions shall be considered the minimum requirements for the promotion of the public health, safety, convenience, morals and general welfare.

(b) When the conditions imposed by any provision of this chapter upon the use of land, buildings or structures or upon the bulk of buildings or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of state or federal law, the more restrictive regulations or those that impose higher standards or requirements shall govern.

(c) This chapter is not intended to abrogate any easement, covenant or any other private agreement; provided, that where this chapter's requirements are more restrictive or impose higher standards or requirements than any easement, covenant or other private agreement, this chapter's requirements shall govern.

(d) No building, structure or use which was not lawfully existing on March 31, 1997, shall become or be made lawful solely by reason of the adoption of this chapter; and to the extent any such unlawful building, structure or use is in conflict with the requirements of this chapter, such building, structure or use remains unlawful hereunder.

(e) Where this chapter's provisions or requirements are vague or unclear in a particular situation, the director of planning shall be responsible for interpreting them.

(f) All properties whose zoning classifications were changed by an ordinance adopted January 12, 1994, shall be subject to the requirements of this chapter, except as otherwise provided, including:

(1) The following land use decisions shall remain in effect, if made between January 1, 1973 and January 12, 1994, except as provided in subsection (3):

A. Variances.

B. Conditional uses.

C. Conditional use planned developments.

D. Special exceptions.

E. Mobile home permits.

(2) Any conditions imposed or accepted as part of the following land use decisions shall remain in effect, if made between January 1, 1973 and January 12, 1994, except as provided in subsection (3):

A. Rezonings.

B. Variances.

C. Conditional uses.

D. Conditional use planned developments.

E. Special exceptions.

F. Mobile home permits.

If there is a conflict between conditions and this chapter, then the conditions shall apply. If there is no condition that addresses a specific use or development standard in this chapter, then the use and development standards in this chapter shall apply.

(3) To the extent a change in zoning classification resulting from the conversion on January 12, 1994 renders a previous variance decision unnecessary, then the standards of this chapter shall apply.

(Code 1978, § 21.1-2)

Sec. 19-3. Nonconforming uses.

(a) Except as otherwise provided in this chapter, any lawful use, building or structure existing on January 12, 1994, or existing at the time of any amendment of this chapter, may be continued even though such use, building or structure may not conform with this chapter's provisions for the district in which it is located. Such use, building or structure shall be deemed a "nonconforming use." A change in occupancy or ownership shall not affect the right to continue such use, building or structure. This section shall not be construed to affect any building permit lawfully granted before January 12, 1994, nor any authorization of a conditional use or special exception lawfully granted before January 12, 1994.

(b) Except as otherwise provided in this chapter, no nonconforming use, building or structure shall be enlarged, extended, reconstructed, substituted or structurally altered, except when required by law or lawful order, unless the use is changed to a use permitted in the district in which it is located, except as follows:

(1) Such use may be extended throughout any part of a building or structure which was manifestly arranged or designed for such use on March 31, 1997, provided, that no structural alterations, except those required by law or lawful order, shall be permitted, nor shall the building or structure be expanded or enlarged.

(2) Any building or structure that is conforming as to use, but is nonconforming as to the requirements of this chapter, including floor area, lot, yard, road frontage, distance, parking, loading spaces, fences, signs or height requirements, may be enlarged or structurally altered, if the alteration or enlargement complies with this chapter.

(3) A nonconforming use of a building, structure or property may be changed to another permitted use within the same zoning district as the use being conducted, provided that if the use is changed, it shall not later be changed to a use that is not permitted within the zoning district in which the then current use is being conducted.

(4) If a building or structure which is nonconforming as to use is damaged by fire, flood, explosion, earthquake, war, riot, storm or act of God to an extent where the estimated reconstruction cost, exclusive of foundations, exceeds 50 percent of the assessed value according to records of the county assessor's office, then it may not be restored, reconstructed or used for any purpose other than one permitted in the district in which it is located. However, if such damage is 50 percent or less, such building or structure may be restored, reconstructed and used as before, provided that: it be done within two years after the damage occurs; and the height, yard, and other provisions of this chapter are complied with. Any building or structure that is conforming as to use, but is nonconforming as to the requirements of this chapter, including floor area, lot, yard, road frontage, distance or height requirements, may be restored, reconstructed and used as before even though damaged to an extent exceeding 50 percent, provided that: it be done within two years; and the floor area, lot, yard, road frontage, distance, height requirements and other provisions of this chapter shall be complied with.

(5) No building, structure or premises where a nonconforming use has ceased for more than two years shall again be put to a nonconforming use.

(Code 1978, § 21.1-3)

State law references: Vested rights, nonconforming uses, Code of Virginia, § 15.2-2307.

DIVISION 2. CONFORMITY AND ENFORCEMENT

Sec. 19-4. Conformity with chapter required.

Except as otherwise provided in this chapter for existing uses or as modified through a zoning or development approval, no land, building, structure or premises shall be used, and no building or part thereof, or other structure, shall be erected, except in conformity with the district regulations for the district in which it is located.

(Code 1978, § 21.1-4)

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. Before granting a permit to construct, alter or use any building, structure or premises that may be affected by this chapter, 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, development approvals and substantial accord approvals for which a public hearing does not occur 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.

(b) *Penalties for violation; right of entry.*

(1) Any person who violates this chapter or fails to comply with any conditions of zoning and development approvals and substantial accord approvals for which a public hearing does not occur, other than those provisions set forth in section 19-6, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than $10.00 and not more than $1,000.00.

(2) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than $10.00 nor more than $1,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than $100.00 nor more than $1,500.00.

(3) In addition to the requirements and penalties specified above, the director of planning may invoke any other lawful procedure available to the county, such as injunction or

abatement, as may be necessary to prevent, restrain, correct or abate any violation of this chapter.

(4) The director of planning or his agents may enter upon or search any real estate or improvements thereon only after first obtaining a valid search warrant unless either:

a. The entry or search is made after the property owner's knowing and intelligent consent;

b. A violation of this chapter is in plain view; or

c. A violation of this chapter occurs in the presence of the director.

(5) If the director of planning determines that any person has violated this chapter or failed to comply with any condition of a zoning or development approval or of a substantial accord approval for which a public hearing does not occur, then he shall serve upon that person a notice to comply by either:

a. Delivering the notice to the person by hand; or

b. Mailing the notice by first class mail to the last known address of the person.

The notice shall set forth the nature of the violation or failure to comply. Upon failure of the person to remedy the violation, comply with the condition or receive an extension within ten days after the date of delivery or mailing of the notice, the person shall be subject to the penalties set forth above. With respect to violations or failures to comply involving portable signs or the parking or display of motor vehicles, the person shall remedy the violation or comply with the condition within 24 hours of service of the notice or receive an extension, or the person shall be subject to the penalties above.

(Code 1978, § 21.1-5.1; Ord. of 9-26-01, § 1)

State law references: Zoning ordinance provisions, Code of Virginia, § 15.2-2286; enforcement of zoning ordinance, Code of Virginia, § 15.2-2299; violations, Code of Virginia, § 15.2-2208.

Sec. 19-6. Civil penalties for certain violations.

(a) Any violation of the following provisions shall be punishable by a civil penalty of not more than $100.00 for the initial summons and not more than $150.00 for each additional summons:

(1) Operation of a business that is not a home occupation, on a lot or parcel inside or outside of a dwelling unit or accessory building, in any R, R-TH, R-MF or A district, without a special exception or conditional use.

(2) Violation of any condition of zoning and development approvals and substantial accord approvals for which a public hearing does not occur that relates to the

hours of operation of the use of land or that relates to reduction or control of noise from the use of land.

(b) Each day during which any violation of subsection (a) exists shall constitute a separate violation. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of $3,000.00.

(c) The designation of a particular violation of this section as an infraction pursuant to subsection (a) shall be in lieu of criminal sanctions, and except for any violation resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

(d) The director of planning shall cause one copy of a summons to be personally served upon persons violating the provisions of subsection (a).

(e) Such summons shall contain the following information:

(1) The name and address of the person charged.

(2) The nature of the infraction and the ordinance provision(s) being violated.

(3) The location, date and time that the infraction occurred or was observed.

(4) The amount of the civil penalty assessed for the infraction.

(5) The manner, location and time in which the civil penalty may be paid to the county.

(6) The right of the recipient of the summons to elect to stand trial for the infraction and the date for such trial.

(f) The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the county treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court. However, an admission shall not be deemed a criminal conviction for any purpose.

(g) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law or equity and it shall be the county's burden to prove the violator's liability by a preponderance of the evidence. A finding of liability shall not be deemed a criminal conviction for any purpose.

(h) The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law or equity.

(Code 1978, § 21.1-5.1)

State law references: Civil penalties for violations, Code of Virginia, § 15.2-2209.

Secs. 19-7--19-10. Reserved.

ARTICLE II. AMENDMENTS TO CHAPTER/DISTRICTS

DIVISION 1. REZONING, CONDITIONAL ZONING, CONDITIONAL USE, CONDITIONAL USE PLANNED DEVELOPMENT AND MODIFICATIONS TO DEVELOPMENT STANDARDS AND REQUIREMENTS

Sec. 19-11. Procedure.

The board of supervisors may, by ordinance, amend, supplement, change or repeal any of this chapter's provisions, or any district boundaries or classifications of property, as shown on the zoning district maps, subject to the provisions of this article. No such ordinance shall be considered unless it has been presented to the planning commission for its recommendation. Failure of the commission to report its recommendations within 100 days from the date of its first public hearing on the matter shall be deemed approval by the commission, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the application. The board of supervisors shall render a decision upon the application within 12 months after the date of its first public hearing on the matter, unless the applicant consents to action beyond such time or withdraws his application. If the applicant withdraws his application while it is pending before the planning commission or board of supervisors, processing of the application shall cease.

(Code 1978, § 21.1-7)

State law references: Zoning ordinance provisions, Code of Virginia, §§ 15.2-2285, 15.2-2286.

Sec. 19-12. Conditional zoning.

(a) *Purpose*. It is the policy of the county in accordance with the provisions of this chapter to provide for the orderly development of land, for all purposes, through zoning and other land development regulations. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses, and at the same time to recognize effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the owner or the owner's agent with the owner's written consent for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this section shall not be used for the purpose of discrimination in housing.

(b) *Conditions as part of rezoning or amendment to zoning map.* Any owner, or the owner's agent with the owner's written consent, may voluntarily proffer in writing any reasonable conditions, prior to a public hearing before the board of supervisors, in addition to the regulations provided for within the zoning district by this chapter, as a part of rezoning or amendment to the zoning map, provided that:

(1) The rezoning itself gives rise to the need for such conditions;

(2) Such conditions have a reasonable relation or are roughly proportional to the impact of the proposed rezoning; and

(3) All such conditions are in conformity with the comprehensive plan.

If proffered conditions include the dedication of real property or the payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or cash is tendered are included in the county's capital improvement program; however, this requirement shall not prevent the acceptance of proffered conditions relating to matters which are not normally included in such capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

(c) *Zoning map to show conditions; conditional zoning record.* The zoning map shall show by an appropriate symbol, the existence of conditions attached to the zoning on the map. The director of planning shall keep in his office and make available for public inspection the ordinance creating conditions, in addition to the regulations provided for in a particular zoning district.

(d) *Amendments and variations of conditions.* There shall be no amendment or variation of conditions created pursuant to the provisions of this section until after a public hearing and approval by the board of supervisors.

(Code 1978, § 21.1-8)

State law references: Conditional zoning, Code of Virginia, §§ 15.2-2296--15.2-2303.

Sec. 19-13. Conditional uses.

(a) *Purpose.* The development and execution of this chapter is based upon the division of the county into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be permitted by right in a particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of the particular location. Such conditional uses are of such a nature that their operation may give rise to problems or require special treatment to create a satisfactory environment with respect to their impact upon neighboring property or public facilities.

(b) *Standards.* The following standards shall be used as guidelines in acting upon conditional use applications:

(1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare and shall be in compliance with the comprehensive plan.

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(4) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.

(5) That adequate utilities, access roads, drainage or necessary facilities have been or are being provided.

(6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(7) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(c) *Conditions and guarantees.* Before granting any conditional use, the planning commission may recommend, and the board of supervisors may stipulate, such conditions and restrictions upon the use, operation, establishment, location and construction of the conditional use as are necessary to protect the public interest and to secure compliance with the standards and requirements specified in subsection (b). In all cases in which conditional uses are granted, the board of supervisors may require evidence and guarantees as proof that any stipulated conditions are being and will be complied with.

(Code 1978, § 21.1-9)

Sec. 19-14. Conditional use planned developments.

(a) *Purpose*. Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are established to govern the planning commission's recommendations and the board of supervisors' actions.

(b) *Use exceptions.* In the case of planned developments, the planning commission may recommend, and the board of supervisors may authorize, specific uses not permitted in the

district, provided such uses do not occupy more than 30 percent of the gross acreage of the total project and that the board of supervisors consider the following in making their determination:

(1) That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.

(2) That the uses permitted by such exception are not of such a nature or located so as to exercise a detrimental influence on the surrounding neighborhood.

Provided, however, that the planning commission may recommend and the board of supervisors may authorize specific uses not permitted in the district in which the development is located for more than 30 percent of the gross acreage of the total project; provided that, in addition to the findings noted above, the board shall also find that such use is not specifically enumerated in this chapter as permitted by right, with or without restrictions, or by conditional use or special exception in any district. Nothing contained in this section shall be construed to permit the approval of any use specifically prohibited.

(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 in common areas within the development.

(3) The director of planning, planning commission or board of supervisors may require any reasonable method to guarantee that 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 open spaces shall be reasonably maintained.

(d) *Procedural requirements*. The applicant for any planned development shall adhere to the following procedures:

(1) *Master plan*. The director of planning may, in addition to the general requirements of this chapter, require additional information which may include, but not be limited to, a master plan showing the general location of streets and land uses by type, function, density and intensity. The director of planning may also require the master plan to include, in a map or textual form, preliminary plans for drainage and erosion control, transportation improvements, water and wastewater service, and other public utilities and facilities. The master plan and any amendments thereto shall be

reviewed by the planning commission for recommendations and submitted to the board of supervisors for final action.

(2) *Land added or removed after master plan approval*. If land area is to be added to or removed from a planned development after a master plan has been approved, the area to be added or removed shall be considered under a separate conditional use planned development application. If an area is approved to be added to or removed from a planned development, the master plan for the original development shall thereafter include the area added or removed.

(e) *Amendment of conditions*: Conditions approved in conjunction with a conditional use planned development may be amended as follows:

(1) Conditions that allow amendment by the planning commission, staff or others may be amended per the language of the condition.

(2) Conditions that establish setbacks may be amended through the granting of a variance, either by the board of zoning appeals or administratively, provided the variance is only granted on a parcel by parcel basis, not on an overall basis to cover the entire area encompassed by the conditional use planned development.

(3) All other conditions may be amended by an application to amend the conditional use planned development.

(Code 1978, § 21.1-10)

Sec. 19-15. Term; revocation.

Any conditional use or conditional use planned development may be authorized for either a limited or an indefinite period of time and may be revoked by the board of supervisors at any time, after notice and a hearing, for failure to adhere to the stipulated conditions.

(Code 1978, § 21.1-11)

Sec. 19-16. Amendments.

An application to amend a condition of a zoning approval imposed by the board of supervisors applicable to part or all of the development or to rezone property within the development which received its original zoning after April 27, 1994, and which meets the requirements of this chapter, shall be considered by the board of supervisors notwithstanding the fact that all parcels subject to the original condition or zoning are not included within the application to amend or rezone. The board's approval of any such rezoning or amendment shall not cause the remainder of the original development to be in violation of the original conditions of zoning for the development.

(Code 1978, § 21.1-11.1; Ord. of 11-14-01, § 1)

Sec. 19-17. Zoning amendments.

All zoning cases decided on or before April 27, 1994, shall be subject to a condition that permits an applicant to amend a condition of a zoning approval imposed by the board of supervisors applicable to part or all of the development or to rezone property within the development notwithstanding the fact that all parcels subject to the original condition or zoning are not included within the application to amend or rezone. The board's approval of any such rezoning or amendment shall not cause the remainder of the original development to be in violation of the original conditions of zoning for the development.

(Code 1978, § 21.1-11.2; Ord. of 11-14-01, § 1)

Sec. 19-18. Existing conditional use or conditional use planned development.

Where a use is classified as a conditional use under this chapter, and existed as a conditional or permitted use on March 31, 1997, it shall be considered to be a legal conditional use.

(Code 1978, § 21.1-12)

Sec. 19-19. Planning commission may grant modifications to development standards and requirements.

(a) Except for those development standards or requirements which must be modified by the granting of a variance, special exception, conditional use or a rezoning, the planning commission may grant modifications, with or without conditions, to development standards or requirements specified in this chapter. The planning commission shall fix a reasonable time for the hearing of an application under this section and decide the same within 60 days after its first hearing on the matter, unless the applicant requests or consents to action beyond such time or unless the applicant withdraws the request.

(b) No modification to a development standard or requirement shall be authorized by the planning commission unless it considers and determines substantial compliance with all of the following factors:

(1) By reason of the exceptional narrowness, shallowness, size or shape of the specific piece of property or nearby properties or by reason of exceptional topographic conditions or other exceptional situation or condition relating to such properties the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property.

(2) The granting of the modification will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience, and the hardship is not shared generally by other properties in the same zoning district and the same vicinity.

(3) The modification will not be injurious to the use and enjoyment of adjacent property owners; will not diminish or impair property values within the

neighborhood; will not change the character of the district; and will not be detrimental to or endanger the public health, safety or general welfare.

(4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

(5) The granting of such modification will allow the project to comply with the comprehensive plan.

(c) In authorizing a modification, the planning commission may impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem necessary to the public interest; and it may require a guarantee or bond to remain in effect until compliance with such conditions has occurred.

(d) The planning commission shall not grant more than the minimum necessary modification to the appropriate development standard or requirement to resolve the hardship. The planning commission shall not grant a permanent modification to a standard or requirement if a temporary modification will suffice. A temporary modification may be granted if the planning commission determines that permanent compliance will be obtained in a future phase of development.

(e) The planning commission shall not grant a modification to any development standard or requirement if:

(1) The granting of the modification will constitute the granting of a variance, special exception, conditional use or a rezoning.

(2) Ordinary financial considerations are the principal reason for the requested modification.

(3) The modification amends a property-specific condition imposed by the board of supervisors or the board of zoning appeals, unless such condition specifically grants such modification authority to the planning commission.

(4) The applicant created the condition or situation generating the need for the modification and the applicant has not exhausted all other practicable solutions to the problem, including, but not limited to, the acquisition of additional property, the elimination or redesign of structures, or the reduction of development density.

(f) If the applicant disagrees with the planning commission's final decision, he may file a written appeal with the circuit court within 60 days of that decision. In addition, adjacent property owners may appeal the planning commission's final decision by filing a written appeal with the circuit court within 60 days of that decision. Adjacent property owners' appeals shall be limited to conditions which directly affect the property owners and include access, utility locations, buffers, conditions of zoning, architectural treatment and land use transitions. The court shall fix a reasonable time for hearing the appeal. During the appeal, the director of

planning shall not approve any applicable site plan, building permit or record plat for any construction that would or could be affected by the appeal.

(Code 1978, § 21.1-12.1; Ord. of 6-12-96, § 1)

Sec. 19-19.1. Administrative decisions and appeals to the board of zoning appeals.

(a) The director of planning shall provide a written response to a person who has filed a request in writing for a decision or determination by the director of planning on zoning matters within the scope of his authority. The director of planning shall provide the response within 90 days of the date of the request, unless the requestor has agreed to a longer time period. This includes interpretation requests made pursuant to section 19-2. The director of planning's decision may be appealed pursuant to the provisions of this section.

(b) Any written notice of a zoning violation or a written order, decision or determination of the director of planning on zoning matters within the scope of his authority dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or the written order, decision or determination within 30 days in accordance with this section and that the item shall be final and unappealable if not appealed within 30 days after the date of issuance. The appeal period shall not commence until this statement is given.

(c) Except as provided in article V of this chapter, an appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the locality from any order, requirement, decision or determination made by the director of planning on zoning matters within the scope of his authority or any other administrative officer in the administration or enforcement of this chapter.

(d) An appeal to the board of zoning appeals shall be taken by filing a notice of appeal specifying the grounds thereof with the director of planning. The director of planning shall transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

(e) An appeal shall stay all proceedings in furtherance of the action appealed from unless the director of planning certifies to the board of zoning appeals that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning appeals or by a court of record, on application and on notice to the director of planning and for good cause shown.

(Ord. of 1-13-99, § 2)

State law references: Code of Virginia, §§ 15.2-2286, 15.2-2309, 15.2-2311.

DIVISION 2. VARIANCES; SPECIAL EXCEPTIONS; APPEALS

Sec. 19-20. Board of zoning appeals--Generally.

(a) *Creation*. The board of zoning appeals shall consist of five residents of the county appointed by the circuit court. Their terms of office shall be for five years. The secretary of the board of zoning appeals shall notify the court at least 30 days in advance of the expiration of any term of office and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the county except that one may be a member of the planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

(b) *Organization; employees; removal of members; compensation.* The board of zoning appeals shall elect one of its members as chairman to serve for a one-year term. The chairman shall preside at all meetings of the board and, in his absence, a member designated by the board of zoning appeals as vice-chairman shall preside. The vice-chairman shall serve for a term of one year. Such officers may succeed themselves. The board of zoning appeals shall appoint a secretary who shall keep the minutes and other records of the actions and deliberations of the board of zoning appeals and shall perform such other ministerial duties as the board of zoning appeals shall direct. The secretary shall be a salaried county employee and shall perform the duties of secretary in addition to his other regular duties. Any board of zoning appeals member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause, by the court which appointed him, after a hearing held after at least 15 days' notice.

(c) *Procedure*. The board of zoning appeals shall adopt such rules of procedure as it may deem necessary in order to carry into effect the provisions of this chapter. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. Such chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of zoning appeals shall be open to the public. The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of zoning appeals and shall be of public record. The presence of three members shall be necessary for a quorum. The board of zoning appeals shall submit a report of its activities to the board of supervisors at least once each year.

(d) *How measures voted on; required vote.* All questions of interpretation and any action taken on special exceptions and variances shall be by separate proceedings. The board of zoning appeals shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same, within 90 days from the date of its first public hearing on the matter, unless the applicant requests or consents to action beyond such time period or unless the applicant withdraws the application or appeal. In exercising its powers the board of zoning appeals may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of

at least three members shall be necessary to reverse any order, requirement, decision or determination of any administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance from this chapter.

(Code 1978, § 21.1-13)

State law references: Board of zoning appeals, Code of Virginia, §§ 15.2-2308--15.2-2314.

Sec. 19-21. Same--Powers and duties.

The board of zoning appeals shall have the following powers and duties:

(a) To hear appeals as provided for in section 19-19.1.

(b) The board of zoning appeals may authorize upon appeal or original application in specific cases such variance as defined in section 19-301 from the terms of this chapter as will not be contrary to the public interest, when, owning to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done, as follows: When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property on March 31, 1997, or reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the conditions, situation, use or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.

No such variance shall be authorized by the board unless it finds:

(1) That the strict application of this chapter would produce undue hardship;

(2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

(3) That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by granting the variance.

No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

In authorizing a variance the board may impose such condition regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

(c) The board of zoning appeals shall hear and decide applications for interpretation of the zoning district map where there is any uncertainty as to the location of a district boundary that is not addressed pursuant to section 19-44. After notice to the owners of the properties in question, and after public hearing with notice as required by section 19-26, the board of zoning appeals may interpret the map in such a way as to carry out the intent and purpose of this chapter for the particular section or district in question. The board of zoning appeals shall not have the power to substantially change the locations of district boundaries as established by this chapter.

(d) The board of zoning appeals shall hear and decide applications for special exceptions. In considering an application for a special exception, the board of zoning appeals shall give due regard to the nature and condition of all adjacent uses and structures and the probable effect upon them of the proposed use. It shall also take into account the special characteristics, design, location, construction, method of operation, effect on traffic conditions or any other aspects of the particular use or structure, that may be proposed by the applicant. If it should find, after notice and hearing as required herein, that the proposed establishment or use will not adversely affect the health, safety or welfare of persons residing or working on the premises or in the neighborhood, will not unreasonably impair an adequate supply of light and air to adjacent property, nor increase congestion in the streets, nor impair the character of the district or adjacent districts, nor be incompatible with the comprehensive plan nor be likely to reduce or impair the value of buildings or property in surrounding areas, but that such establishment or use will be in substantial accordance with this chapter, the board of zoning appeals may grant the special exception. In those instances where the board of zoning appeals finds that the proposed use may be likely to have an adverse effect as above, the board of zoning appeals shall determine whether such effect can be avoided by the imposition of any special requirements or conditions with respect to location, design, construction, equipment, maintenance or operation, in addition to those expressly stipulated in this chapter for the particular class of use. If such determination is made, the board of zoning appeals shall impose such requirements or conditions upon the issuance of the special exception; otherwise the special exception shall be denied. The board of zoning appeals may require satisfactory evidence and guarantee or bond that the conditions stipulated will be, and will continue to be, complied with. Any special exception may be authorized and issued for either a limited or an indefinite period of time and shall be revocable by the director of planning at any time for failure to adhere to the applicable conditions. After revoking any such permit, the board of zoning appeals shall afford the permit holder an opportunity to be heard, in accordance

with notice and hearing procedures outlined herein, and give him at least five days' written notice of the time and place of such hearing.

(e) No provision of this section shall be construed as granting the board of zoning appeals the power to rezone property.

(Code 1978, § 21.1-14; Ord. of 1-13-99, § 1)

State law references: Board of zoning appeals, Code of Virginia, §§ 15.2-2308--15.2-2314.

Sec. 19-22. Certiorari to review decision of board of zoning appeals.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the county may present to the circuit court of the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board of zoning appeals in accordance with the provisions of Code of Virginia, § 15.2-2314.

(Code 1978, § 21.1-15; Ord. of 10-13-99, § 1)

State law references: Certiorari to review decision of board of zoning appeals, Code of Virginia, § 15.2-2314.

Sec. 19-23. Director of planning; authority to grant administrative variances.

(a) At the time an application is submitted, the applicant shall elect whether to seek an administrative variance or whether to seek a variance as set forth in section 19-21 of this chapter. If the applicant fails to make such an election, his application will be processed under this section.

(b) The director of planning may grant an administrative variance from any building setback requirement. No such administrative variance shall be authorized by the director of planning unless he makes the following findings in writing:

(1) That the strict application of the ordinance requirement would produce undue hardship;

(2) That such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

(3) That the authorization of such administrative variance will not be of substantial detriment to adjacent property and that the character of the zoning district will not be changed by the granting of the administrative variance.

(c) Any application for an administrative variance described in this section shall be made in accordance with the provisions of section 19-24.

(d) The director of planning shall, at least 14 days before acting on any application for an administrative variance, post on the land or building involved a notice of the application as provided in section 19-26.

(e) The director of planning shall send written notice of an application for an administrative variance to adjacent property owners by registered, certified or first class mail. The "date of notice" shall be the date the notice is mailed. The notice shall specify that the director of planning will approve or disapprove the application not less than 21 days after the date of notice. If written notice is provided by first class mail, the director of planning shall make affidavit that such notice has been sent and shall file the affidavit with the application.

(f) If any adjacent property owner objects to the application, in writing, prior to the date the director of planning renders the decision on the application, the application shall be transferred to the board of zoning appeals for a decision.

(g) The director of planning shall approve or disapprove an application for an administrative variance not less than 21 days after the date of notice of the application nor more than 90 days after the application for the variance is received.

(h) Any appeal of the final decision of the director of planning on an application for an administrative variance shall be made to the board of zoning appeals of the county pursuant to section 19-21.

(Code 1978, § 21.1-15.1; Ord. of 6-12-96, § 1; Ord. of 1-13-99, § 1)

State law references: Zoning ordinance provisions, Code of Virginia, § 15.2-2286.

DIVISION 3. APPLICATIONS, FEES AND NOTIFICATION

Sec. 19-24. Applications.

(a) (1) Any application for zoning approval (except substantial accord), or modification to development standards or requirements, may be initiated by resolution of the board of supervisors; by motion of the planning commission; or by petition of the property owner, contract purchaser with the property owner's written consent, or the property owner's agent, with the property owner's written consent.

(2) An application for appeal to the board of zoning appeals may be made by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision relating to this chapter of the director of planning or any other administrative officer of the county.

(b) Applications shall be filed with the planning department on forms prescribed by the director of planning. The application shall be accompanied by such plans or data prescribed by the director of planning as being necessary to comprehensively review the request and shall include adequate evidence showing that the proposal conforms to the standards set forth for the specific request. Such application shall be forwarded from the planning department to the appropriate committee, commission or board.

(c) Each application shall have attached a list of names and addresses of all persons owning any adjacent property to include property across any street, road, railroad right-of-way, body of water or political boundary. In addition, if the property is situated at or within 100 feet of the intersection of any two or more roads or highways or within 100 feet of the intersection of the right-of-way of any two railroads, the names and addresses of all property owners situated at all corners of the intersection shall be furnished. The information shall be obtained from the assessor's records.

(d) Any applicant, other than one seeking to modify development standards or requirements, shall furnish the following information:

(1) A list of the names and addresses of all persons owning any legal or equitable interest in the real property which is the subject of the application or petition as a title owner, lessee, easement owner, contract purchaser, assignee, optionee, licensee or noteholder, including trustees, beneficiaries of trusts, general partners, limited partners and all other natural or artificial persons owning any such interest; however, the names and addresses of governmental entities and public service companies owning recorded easements over the subject property need not be disclosed.

(2) If any of the persons disclosed under section 19-24(d)(1) is a corporation, then the application shall also list the names and addresses of any shareholders who own ten percent or more of any class of stock issued by such corporation and, if such corporation has ten or fewer shareholders, a list of the names and addresses of all the shareholders. If any of the persons disclosed under section 19-24(d)(1) is a partnership, joint venture, trust or other artificial person other than a corporation, then the application shall also list the names and addresses of any persons having any interest therein equal to ten percent or more of the total of all such interests and, if ten or fewer persons own all such interests, a list of the names and addresses of all such persons. For any corporation, partnership, joint venture, trust or other artificial person whose owners are unknown to the applicant and whose identities cannot be ascertained by the exercise of due diligence and for any corporation that has more than 100 shareholders or whose stock is regularly traded on a stock exchange or in the over the counter market, the applicant may so certify in lieu of providing a list of its stockholders or other persons having an interest therein.

(3) If any of the persons disclosed under section 19-24(d)(2) is a corporation, partnership, joint venture, trust or other artificial person, the application shall be sworn to under oath before a notary public or other official before whom oaths may be taken, stating whether or not any member of the planning commission or board of supervisors or of any of their immediate households owns any interest in the real property which is the subject of the application as a title owner, easement owner, contract purchaser, lessee, assignee, optionee or licensee, either individually or by ownership of an interest in a corporation, trust, partnership, joint venture or other entity owning any such interest. If any member of the planning commission or board of supervisors or of any of their immediate

households owns any such interest, the application shall identify each such commissioner, supervisor or household member and describe the nature and extent of his ownership interest. Otherwise, no further disclosure of the ownership of the real property which is the subject of the application or petition is required.

(4) Prior to every public hearing, the applicant must file a list updating the information previously disclosed under section 19-24(d) to reflect any change since the date of his previous submission if such has occurred.

(5) The board of supervisors or planning commission may file an application or petition without making the required disclosures after making a finding by majority vote of those members present and voting on the issue that the disclosure requirement should be waived to further an appropriate governmental interest such as economic development.

(Code 1978, § 21.1-16)

State law references: Zoning ordinance provisions, Code of Virginia, §§ 15.2-2286, 15.2-2287.

Sec. 19-25. Fees.

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

(a) Zoning reclassification:

(1) Without conditional use planned development:

a. Rezoning to R, R-TH, R-MF, MH or A classification . . . 2,800.00

Plus, per acre for the first 200 acres . . . 95.00

Plus, per acre over 200 acres . . . 45.00

b. Rezoning to O, I, or C classification . . . 1,440.00

Plus, per acre for the first 200 acres . . . 50.00

Plus, per acre over 200 acres . . . 20.00

(2) With conditional use planned development:

a. Rezoning for any R, R-TH, R-MF, MH or A use. . . 5,100.00

Plus, per acre for the first 200 acres . . . 95.00

Plus, per acre over 200 acres . . . 45.00

b. Rezoning for any O, I, or C use. . . 2,530.00

Plus, per acre for the first 200 acres . . . 60.00

Plus, per acre over 200 acres . . . 20.00

(3) No applicant for a zoning reclassification for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the Enterprise Zone.[1]

[1]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(b) Conditional uses and manufactured home permits:

(1) Manufactured home permits:

a. New . . . 550.00

b. Renewal . . . 250.00

(2) Family day care homes:

a. Existing zoning R, R-TH, R-MF, MH or A classification . . . 250.00

b. Existing zoning O, I, or C classification . . . 230.00

(3) Planned development:

a. Without zoning reclassification:

(i) Any request for R, R-TH, R-MF, MH or A uses . . . 4,500.00

Plus, per acre . . . 45.00

(ii) Any request for O, I, or C uses . . . 2,260.00

Plus, per acre . . . 10.00

b. With zoning reclassification:

(i) Rezoning for any R, R-TH, R-MF, MH or A use . . . 5,100.00

Plus, per acre for the first 200 acres . . . 95.00

Plus, per acre over 200 acres . . . 45.00

(ii) Rezoning for any O, I, or C use . . . 2,530.00

Plus, per acre for the first 200 acres . . . 60.00

Plus, per acre over 200 acres . . . 20.00

c. Amend condition of planned development to include a condition of a textual statement, per first two conditions:

(i) Any request for R, R-TH, R-MF, MH or A uses . . . 2,800.00

Each additional condition thereafter . . . 700.00

(ii) Any request for O, I, or C uses . . . 1,440.00

Each additional condition thereafter . . . 360.00

(4) All others:

a. Any request for R, R-TH, R-MF, MH or A uses . . . 2,200.00

Plus, per acre . . . 95.00

b. Any request for O, I or C uses . . . 1,130.00

Plus, per acre . . . 30.00

(5) No applicant for a conditional use or planned development for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.[2]

[2]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(c) Amend condition of zoning, other than condition of planned development:

(1) Per first two conditions:

a. Any request for R, R-TH, R-MF, MH or A uses . . . 2,800.00

Each additional condition thereafter . . . 700.00

b. Any request for O, I or C uses . . . 1,440.00

Each additional condition thereafter . . . 360.00

(2) No applicant seeking to amend a condition of zoning for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.[3]

[3]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(d) Special exceptions:

(1) Manufactured home, temporary:

a. New . . . 550.00

b. Renewal . . . 250.00

(2) All others:

a. Where all activity associated with the request, except for the parking of passenger vehicles, is confined to the living area of a dwelling . . . 1,000.00

b. Where any activity associated with the request, except for the parking of passenger vehicles, is not confined to the living area of a dwelling . . . 1,500.00

(e) Amend condition of special exception:

(1) Per first two conditions . . . 600.00

(2) Each condition thereafter . . . 150.00

(f) Variances, setback, request to BZA:

(1) First ordinance section or subsection varied from . . . 200.00

(2) Each additional ordinance section or subsection varied from . . . 100.00

(g) Variances, administrative:

(1) First ordinance section or subsection varied from . . . 200.00

(2) Each additional ordinance section or subsection varied from . . . 100.00

(h) Variances, all other:

(1) For any R, R-TH, R-MF, MH or A use:

a. First ordinance section or subsection varied from . . . 300.00

b. Each additional ordinance section or subsection varied from . . . 100.00

(2) For any O, I, or C use:

a. First ordinance section or subsection varied from . . . 600.00

b. Each additional ordinance section or subsection varied from . . . 100.00

(i) Appeal to board of zoning appeals pursuant to section 19-21 . . . 1,200.00

(j) Building and sign permit review:

(1) Any building permit application for a new single family dwelling or for each unit of a new two-family dwelling . . . 25.00

(2) Sign Permits:

a. Temporary signs, as permitted by article IV of the development standards manual . . . 60.00

b. All other signs for which building permits are required . . . 100.00

c. No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee in order to obtain a sign permit. This exemption shall continue for the life of the enterprise zone.[4]

[4]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(k) Substantial accord determinations:

(1) Existing zoning R, R-TH, R-MF, MH or A classification:

a. Planning commission hearing . . . 3,100.00

b. Administrative determination . . . 450.00

(2) Existing zoning O, I or C classification:

a. Planning commission hearing . . . 1,540.00

b. Administrative determination . . . 240.00

No applicant for substantial accord determination for any office, commercial or industrial use within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay a fee, provided the director of planning determines that the request is in compliance with the comprehensive plan. This exemption shall continue for the life of the enterprise zone.[5]

[5]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(l) Modifications to development standards and requirements:

1. Any request for R, R-TH, R-MF, MH or A uses . . . 300.00

2. Any request for O, I or C uses . . . 240.00

(m) Deferral/remand requests by the applicant, per request:

(1) Remand request to planning commission:

a. Any request for R, R-TH, R-MF, MH or A uses . . . 50 percent of original case fee

b. Any request for O, I, or C uses . . . No fee

(2) Deferral of 40 or fewer days:

a. Rezoning, substantial accord, conditional use, CUPD or special exception:

i. Any request for R, R-TH, R-MF, MH or A uses . . . 500.00

ii. Any request for O, I, or C uses . . . 230.00

b. Modification to development standards, variance or appeal decisions to the BZA:

i. Any request for R, R-TH, R-MF, MH or A uses . . . 250.00

ii. Any request for O, I, or C uses . . . 230.00

(3) Deferrals of more than 40 days:

a. Rezoning, substantial accord, conditional use, CUPD or special exception:

i. Any request for R, R-TH, R-MF, MH or A uses . . . 250.00

ii. Any request for O, I, or C uses . . . 130.00

b. Modification to development standards, variance or appeal decisions to the BZA:

i. Any request R, R-TH, R-MF, MH or A uses . . . 150.00

ii. Any request O, I, or C uses . . . 130.00

No applicant requesting a deferral shall be required to pay a fee for the deferral if he was not charged a fee for his application. This exemption shall continue for the life of the enterprise zone.[6]

[6]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(Code 1978, § 21.1-17; Ord. of 6-11-97, § 1; Ord. of 4-8-98, § 1; Ord. of 4-12-00, § 1; Ord. of 12-20-00, § 1; Ord. of 8-22-01, § 1; Ord. of 6-26-02, § 1)

Sec. 19-26. Hearings; notification and posting of property.

(a) The adoption of any comprehensive plan, zoning district map or ordinance or amendment thereto; any request for zoning approval; appeal of a decision by the planning director or other administrative officer to the board of zoning appeals; application for interpretation of the district map to the board of zoning appeals; or application for creation of a historic district, or the designation of landmark and landmark sites shall be advertised by reference, giving a descriptive summary of the proposed action and the place or places within the county where copies of the proposed action may be examined. In the case of proposed action which involves an amendment to the zoning district map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density, if any, set forth in the applicable part of the comprehensive plan. None of the above-referenced actions shall be acted upon until notice of the intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the county. Such notices shall specify the time and place of hearing at which persons affected may appear and present their views, and such hearing shall be held not less than five days nor more than 21 days after final publication.

(b) The director of planning shall, at least 21 days before the date of the first hearing on any request for zoning, or appeal of a decision by the planning director or other administrative officer to the board of zoning appeals, post on the land or building involved in any application or appeal, a notice of the public hearing as follows:

(1) The notice shall be posted at reasonable intervals along streets abutting the subject property, or, if there is no abutting street, then at the proposed public street entrance to the property. The notice shall be posted in locations so as to be reasonably visible from public roads.

(2) Neither the holding of any public hearing, nor the validity of any action on an application or an appeal, shall be affected by the unauthorized removal of a notice which has been duly posted in accordance with this section.

(c) (1) With regard to any action referred to in subsection (a) above, except amendments to the comprehensive plan, the owner of the affected parcel, as identified in the assessor's records, and the property owners identified in section 19-24(c) shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.

(2) With regard to any action involving a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of more than twenty-five parcels of land, the owner of the affected parcels, as identified in the assessor's records, shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. Written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner of lots shown on a subdivision plat approved and recorded pursuant to the provisions of the Chesterfield County Subdivision Ordinance where such lots contain less than 11,500 square feet**.** If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.

(3) With regard to any action referred to in sections 19-16 and 19-17, written notice of any public hearing on an application to amend a zoning condition or rezone property shall be given to the last known representatives of all civic associations on the Civic Association Notice List filed with the planning department operating within the area encompassed by the property which is subject to the original zoning or condition and to all property owners of record with the assessor's office whose property was subject to the original zoning or condition and whose property is located within 1,500 feet of the property which is the subject of the application.

(d) When a proposed comprehensive plan or amendment thereto, a proposed change in zoning district map classification, an application for creation of a historic district or the designation of landmarks and landmark sites or an application for special exception or variance involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality, then, in addition to the advertising and written notification required above, written

notice shall also be given at least 10 days before the hearing to the chief administrative officer or his designee, of such adjoining county or municipality.

(e) Posting and notification of adjacent property owners, as outlined in this section, shall not be required when:

(1) The hearing involves an application for zoning approval of 26 or more parcels of land initiated by resolution of the planning commission or board of supervisors; or

(2) On appeal when the appeal involves 26 or more parcels of land; or

(3) The hearing involves an appeal concerning no specific property.

(f) A party shall be deemed to have waived the right to challenge the validity of proceedings for which written notice is required if the party does not receive the required written notice, but the party has actual notice of, or actively participates in, the proceedings.

(Code 1978, § 21.1-18; Ord. of 12-19-01, § 1; Ord. of 4-10-02, § 1)

State law references: Public hearing, notice and advertisement, Code of Virginia, § 15.2-2204.

Sec. 19-27. Applications within 12 months.

(a) An application for a zoning approval shall not be considered by the board of supervisors or the board of zoning appeals within 12 months of denial of substantially the same request.

(b) An application for a modification to development standards or requirements shall not be considered by the planning commission within 12 months of denial of substantially the same request.

(Code 1978, § 21.1-19)

State law references: Provisions in zoning ordinances, Code of Virginia, § 15.2-2286; application for special exceptions and variances, Code of Virginia, § 15.2-2310.

Secs. 19-28--19-40. Reserved.

ARTICLE III. DISTRICTS

DIVISION 1. GENERAL PROVISIONS

Sec. 19-41. Districts enumerated.

(a) For the purpose of this chapter the county is hereby divided into districts as follows:

(1) R-88 Single-Family Residential District.

(2) R-40 Single-Family Residential District.

(3) R-25 Single-Family Residential District.

(4) R-15 Single-Family Residential District.

(5) R-12 Single-Family Residential District.

(6) R-9 Single-Family Residential District.

(7) R-7 Single-Family Residential District.

(8) R-TH Townhouse Residential District.

(9) R-MF Multifamily Residential District.

(10) MH-1 Manufactured Home Park District.

(11) MH-2 Manufactured Home Subdivision District.

(12) MH-3 Manufactured Home Park District.

(13) A Agricultural District.

(14) O-1 Neighborhood Office District.

(15) O-2 Corporate Office District.

(16) C-1 Convenience Business District.

(17) C-2 Neighborhood Business District.

(18) C-3 Community Business District.

(19) C-4 Regional Business District.

(20) C-5 General Business District.

(21) I-1 Light Industrial District.

(22) I-2 General Industrial District.

(23) I-3 Heavy Industrial District.

(b) Residence or residential districts, referred to as R Districts, include the R-88, R-40, R-25, R-15, R-12, R-9, and R-7 Districts. Manufactured home districts, referred to as MH Districts, include the MH-1, MH-2 and MH-3 Districts. Townhouse residential districts include the R-TH Districts. Multifamily residential districts include the R-MF Districts. Office districts, referred to as O Districts, include the O-1 and O-2 Districts. Business districts, referred to as C

Districts, include the C-1, C-2, C-3, C-4 and C-5 Districts. Industrial districts, referred to as I Districts, include the I-1, I-2 and I-3 Districts. Agricultural districts include the A District.

(Code 1978, § 21.1-20; Ord. of 11-14-01, § 1)

Sec. 19-42. Special districts.

The districts outlined in section 19-41 may also lie within special districts. Those special districts include: floodplain districts, Chesapeake Bay preservation areas, the Upper Swift Creek Watershed, highway corridor districts, emerging growth districts, post development districts, village districts and historic districts and landmarks.

(Code 1978, § 21.1-21)

Sec. 19-43. Maps.

(a) The boundaries of the respective districts are shown on a series of maps entitled "Zoning District Maps" and these maps are hereby adopted and made a part of this chapter. All notations, references and other information shown thereon shall have the same force and effect as though fully set forth and described in this chapter, provided that if there is an inconsistency between any information shown on the zoning district maps and any decision made by the board of supervisors or board of zoning appeals after January 1, 1973, then the decision of the board of supervisors or board of zoning appeals shall govern.

(b) The director of planning shall preserve the zoning district maps and file them in his office. The director of planning shall cause all extensions, contractions or other changes made in the boundaries to be indicated on the maps as soon as practicable after the effective dates of ordinances making such extensions, contractions or changes.

(Code 1978, § 21.1-22)

Sec. 19-44. Determination of boundaries.

(a) Whenever uncertainty exists regarding the location of the boundary line of a district shown upon a zoning district map, the boundary line, unless dimensioned on the map or on a plat which accompanied the zoning approval request, shall be determined as follows:

(1) The boundary line shall be the center line of the street or alley, if there is one, nearest the periphery of the district.

(2) If there is no street or alley and the land is divided into lots or blocks, the boundary line shall be the property line of the lots or blocks nearest the periphery of the district.

(3) If there is no such street or alley and the land is not divided into lots or blocks, the boundary line shall be a line determined by measurement of the distance shown on the zoning district map according to the scale indicated thereon.

(b) Whenever any street, alley or other public right-of-way is vacated by official action, the zoning district adjoining each side of such street, alley or other public right-of-way shall automatically be extended to the center line of such vacation.

(Code 1978, § 21.1-23)

DIVISION 2. HISTORIC DISTRICTS, LANDMARKS AND LANDMARK SITES

Sec. 19-45. Designation of historic districts, landmarks and landmark sites.

Pursuant to Code of Virginia, §§ 15-2-2283 and 15.2-2306, the board of supervisors shall have the authority to (1) designate landmarks and landmark sites having an important historical, architectural, archaeological or cultural interest; (2) establish historic districts within the county containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the county, of such significance as to warrant conservation and preservation; and (3) establish areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts.

(Code 1978, § 21.1-24; Ord. of 10-13-99, § 1)

State law references: Definitions, Code of Virginia, § 15.2-2201; historical sites and areas, Code of Virginia, § 15.2-2306.

Sec. 19-46. Creation of preservation committee.

For the purposes of assisting in the administration of the provisions of this division, there is hereby created a preservation committee. Such committee shall be composed of seven members appointed by the board of supervisors. At least one member shall be an architect or landscape architect, one member shall be a contractor, one member shall be a representative of a

local historical society and one member shall be a person with professional expertise or training in the field of historic preservation and historic landmarks. Members of the preservation committee shall be appointed for three-year terms.

(Code 1978, § 21.1-25)

State law references: Preservation of historical sites and areas, Code of Virginia, § 15.2-2306.

Sec. 19-47. Procedure for designating an historic district, landmark and landmark site.

Applications for the creation of an historic district, for the designation of landmarks and landmark sites or for the withdrawal of such designation may be made by the planning commission, the board of supervisors, the owner, a contract purchaser with the owner's written consent, the owner's agent with the owner's written consent or the owners of 60 percent of the lots within a proposed historic district. The application shall be filed with the director of planning and shall contain such information as he shall prescribe. The board of supervisors may establish application fees in order to defray the cost of application review.

(Code 1978, § 21.1-26)

Sec. 19-48. Responsibilities of the planning commission and preservation committee.

(a) Upon receipt of an application, the director of planning shall refer such application to the planning commission and the preservation committee for their respective review and reports.

(b) The planning commission and the preservation committee shall hold a joint public hearing pursuant to section 19-26(a), (c) and (d) to review such application. Within 60 days after the first joint hearing after the receipt of such proposal or application, the commission and committee shall forward their independent reports to the board of supervisors.

(c) In their reports, the planning commission and the preservation committee shall address the effect of the designation of the proposed district or building on the future development of the county and may address such other matters as they shall deem appropriate. The commission and committee shall recommend to the board of supervisors that the proposed district or landmark either be designated, be designated with altered boundaries or not be designated.

(d) An application to withdraw the creation of an historic district, or the designation of a landmark or landmark site, may be made when the original reason for the designation no longer exists. An application for withdrawal shall be processed in the same manner as an application for approval.

(Code 1978, § 21.1-27)

Sec. 19-49. Action by the board of supervisors.

After receiving the reports and recommendations of the preservation committee and the planning commission, the board of supervisors shall conduct a public hearing to consider the request for designation of an historic district, landmark or landmark site. Such public hearing shall be conducted pursuant to section 19-26.

(Code 1978, § 21.1-28)

Sec. 19-50. Standards for designation of historic districts.

No area of the county or building located within the county shall be designated an historic district pursuant to the provisions of this division unless such area or building shall constitute a distinct section of the county, building or building site within the county and shall have the potential to provide cultural and civic benefits by reason of the existence of at least one of the following factors:

(a) The presence of special historical or archeological interest relating to local, state or national history.

(b) The presence of special character or aesthetic interest or value caused by the development pattern of the area or by natural, landscaping or topographical features of the area.

(c) The presence of one or more periods or styles of architecture typical of one or more eras in the history of the county which gives the area a distinct character.

(d) The concentration of indigenous examples of local architecture which have not been significantly altered from their original design and which have a uniform scale and derive special value from the repetition of scale and form.

(e) The presence of one or more distinguished buildings of high architectural quality and historic interest.

(Code 1978, § 21.1-29)

Sec. 19-51. Certificates of appropriateness.

(a) *Authority*. The preservation committee, acting as a body, shall have authority to issue certificates of appropriateness, in accordance with the provisions of this section.

(b) *Certificate required*. With regard to buildings, structures or other improvements to the premises which have been designated as landmarks or landmark sites or which are located within a designated historic district it shall be unlawful:

(1) For any person to perform, cause or permit any construction, alteration or remodeling that would affect the exterior architectural appearance or property thereof;

(2) For any person to remove, move, demolish or commit any other land disturbing activities with regard to them; or

(3) For any person to secure or issue a permit authorizing any such work, unless a certificate of appropriateness with respect to such works shall have first been issued pursuant to this section.

(c) *Applications for certificates of appropriateness.*

(1) Applications for certificates of appropriateness shall be submitted to the director of planning in such form as the preservation committee shall prescribe.

(2) When the work to be performed in conformance with a certificate of appropriateness requires the issuance of a zoning approval or other permit or approval, no application for a certificate of appropriateness shall be acted on until such other approval has been issued. The issuance of any such other approval shall not be deemed to establish any right to the issuance of a certificate of appropriateness and such certificates shall be issued or denied solely on the basis of the standards established by this chapter.

(d) *Action by the preservation committee*.

(1) Within 45 days after the receipt of a completed application for a certificate of appropriateness, the preservation committee shall review the application and shall either grant the certificate of appropriateness without modification, grant the certificate of appropriateness with modifications or subject to conditions, or deny the certificate of appropriateness.

(2) The committee may, or at the applicant's request shall, meet with the applicant to review the application prior to rendering any decision.

(3) In considering such application, the committee shall be guided by the purposes for which landmarks, landmark sites and historic districts are designated and by the particular standards and considerations contained in the Secretary of the Interior's standards for rehabilitation and amendments, as adopted by the board of supervisors.

(e) *Appeal procedure from preservation committee*. When the applicant is dissatisfied with the decision of the preservation committee on his application for a certificate of appropriateness, the applicant may appeal the decision to the board of supervisors within 30 days of the issuance of the decision by filing a notice of appeal with the clerk of the board of supervisors.

(f) *Limitation on certificates*. A certificate of appropriateness shall become null and void 12 months after the date on which it was issued unless within such period the work authorized by such certificate is commenced. A certificate of appropriateness shall relate solely to the work shown on plans approved with such certificate and it shall be unlawful to deviate from any certificate of appropriateness without obtaining an amended certificate in the same manner as provided for obtaining original certificates.

(g) *Maintenance of structure or property*. No person shall maintain any landmark, landmark site or property located within an historic district on which any work has been performed in the absence of, or in violation of the terms of, a certificate of appropriateness, as required by this section; provided, however, that routine maintenance that does not alter the existing exterior appearance shall not require a certificate of appropriateness.

(h) *Demolition of structure*. The owner of an historic landmark, building or structure shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure without a certificate of appropriateness provided that:

(1) He has applied to the board of supervisors for such right;

(2) The owner has for the period of time set forth in the schedule hereinafter set forth and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto, to the county or to any person, firm, corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the following time schedule: No offer to sell shall be made more than one year after a final decision by the board of supervisors but thereafter the owner may renew his request to the board of supervisors to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000.00; four months when the offering price is $25,000.00 or more but less than $40,000.00; five months when the offering price is $40,000.00 or more but less than $55,000.00; six months when the offering price is $55,000.00 or more but less than $75,000.00; seven months when the offering price is $75,000.00 or more but less than $90,000.00; and 12 months when the offering price is $90,000.00 or more.

(Code 1978, § 21.1-30)

State law references: Historical sites and areas, Code of Virginia, § 15.2-2306.

Sec. 19-52. Emergency alterations or demolitions by public officials.

No county official shall seek to remove, alter or demolish any structure which is a landmark or is on a landmark site or in an historic district, for the purpose of remedying conditions determined to be dangerous to life, health or safety, unless a certificate of appropriateness has been issued to permit such removal, alteration or demolition; however, the certificate may require that the work not materially change or detract from the exterior appearance of the structure where the danger to life, health or safety may be abated without so changing or detracting from the exterior appearance. Where a danger to life, health or safety exists, the building official may cause the landmark or landmark site to be barricaded.

(Code 1978, § 21.1-31)

Sec. 19-53. Appeal from decision of the board of supervisors.

Any aggrieved property owner shall have the right to appeal any final decision of the board of supervisors pursuant to this division to the circuit court within 30 days, in conformity with Code of Virginia, § 15.2-2306.

(Code 1978, § 21.1-32; Ord. of 10-13-99, § 1)

State law references: Validation of zoning ordinance adopted prior to 1971, Code of Virginia, § 15.2-2316.

Sec. 19-54. Penalties.

In addition to the penalties provided in this chapter, any person who demolishes, alters, or constructs a building, structure or site in violation of this division shall be required to restore the building, structure or site to its appearance prior to the violation.

(Code 1978, § 21.1-33)

DIVISION 3. FLOODPLAIN DISTRICTS*

Sec. 19-55. Purpose.

The purpose of these provisions is to prevent loss of life and property, hazards to health and safety, disruption of commercial and governmental services, extraordinary and unnecessary expenditure of public funds for flood protection and relief and impairment of the tax base by:

(a) Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development will cause unacceptable increases in flood heights, velocities and frequencies.

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* Cross references: Design standards for subdivisions, § 17-61 et seq.; subdivisions to comply with floodplain management ordinance, §§ 17-65, 17-72; preservation of land for floodplains, § 17-70.

(b) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.

(c) Requiring all those uses, activities and developments that do occur in floodprone areas to be protected and/or floodproofed against flooding and flood damage.

(d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

(Code 1978, § 21.1-34)

Sec. 19-56. Duties generally of director of environmental engineering.

(a) This division shall be enforced by the director of environmental engineering and such deputies as he may appoint. The director of environmental engineering shall review all subdivision and site plans, improvement sketches, land disturbance permits and building permits and certify that the proposed development or construction is not in violation of the provisions of this division. If a proposed development or construction is in conflict with this division, the director of environmental engineering shall refuse to approve such plan or building permit.

(b) The director of environmental engineering shall maintain copies of all flood insurance rate maps and flood boundary and floodway maps for public inspection, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on the county FIRM.

(c) The director of environmental engineering shall maintain a record of all variance actions, including justification for their issuance, and report such variances to the administrator, as required.

(Code 1978, § 21.1-35)

Sec. 19-57. Floodplains and zones generally.

(a) *Basis of floodplain districts*. The 100-year flood shall be adopted as the base flood for purposes of floodplain management measures. The 500-year flood shall be employed to indicate additional areas of flood risk in the county. The basis for the delineation of these districts shall be (1) the "Flood Insurance Study and Related Maps for Chesterfield County," dated March 16, 1983, as further revised and (2) any other 100-year floodplains identified by the director of environmental engineering.

(1) For the purposes of this division, the floodway is delineated using the criteria that a certain area within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. Some of these areas are specifically defined in table 2 of the above-referenced flood insurance study, some are shown on the accompanying FBFM and FIRM's and some are identified by the director of environmental engineering.

(2) The floodway fringe shall be that area of the base flood area not included in the floodway. The basis for the outermost boundary of this area shall be the base flood elevations contained in the flood profiles of the above referenced flood insurance study, as shown on the accompanying FBFM or as shown on any other applicable study, as determined by the director of environmental engineering.

(3) The approximated floodplain shall be that base flood area for which no detailed flood profiles or elevations are provided, but where a base floodplain boundary has been approximated. Such areas are shown on the FIRM. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used, when available. Where the specific base flood elevation cannot be determined using other sources of data, such as the U.S. Army Corps of Engineers, Floodplain Information Reports, U.S. Geological Survey Floodprone Quadrangles, recorded subdivision plats, etc., the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or other individuals qualified to perform hydrologic and hydraulic analyses, who shall certify that the technical methods used accurately reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the director of environmental engineering and shall include a theoretical delineation of the floodway from the floodway fringe when development within an approximated floodplain district is requested.

(b) *Basis of flood insurance zones*. The county shall be divided into flood insurance zones, each having a specific flood potential or hazard. Each zone shall be assigned one of the following flood insurance zone designations:

(1) Zones A, A1-A11, A14, A15 and A16: Special flood hazard areas inundated by waters of the base flood.

(2) Zone B: Areas between the special flood hazard area and the limits of the 500-year flood, including areas of the 100-year floodplain that are protected from the 100-year flood by dike, levee or other water control structure; also, areas subject to certain types of 100-year shallow flooding where depths are less than one foot, and areas subject to 100-year flooding from sources with drainage areas less than one square mile. Zone B is not subdivided.

(3) Zone C: All areas outside the limits of the 500-year flood. These areas are subject to minimal or no flooding.

(c) *FEMA floodplain maps*. The boundaries of the FEMA floodplains are established as shown on the FBFM and FIRM's, which shall be kept on file in the director of environmental engineering's office.

(d) *Floodplains boundary changes*. The delineation on FEMA floodplain maps of any of the FEMA floodplains may be revised by the county when natural or manmade changes have occurred and/or more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or where individual documents indicate the need for such change. However, prior to any such change, approval must be obtained from the federal insurance administrator.

(e) *Interpretation of floodplain boundaries*. Initial interpretation of the boundaries of the FEMA floodplains shall be made by the director of environmental engineering. An appeal to the board of zoning appeals may be taken by any person aggrieved or affected by the interpretation.

(Code 1978, § 21.1-36)

Sec. 19-58. Floodplain regulations.

(a) *General provisions.*

(1) All uses, activities and development occurring within any floodplain shall be undertaken only after the issuance of a land disturbance and/or building permit. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, including but not limited to the Virginia Uniform Statewide Building Code and the county subdivision and erosion and sediment control ordinances. Prior to the issuance of any building permit and/or land disturbance permit, the director of environmental engineering shall require the applicant to provide, in addition to the basic information on the permit, the following information:

a. For every structure that will be elevated, the elevation of the lowest floor, including basement, above the base flood elevation and horizontal distance of the structure from the outermost boundary of the base flood.

b. For every nonresidential structure that will be floodproofed, the elevation to which the structure will be floodproofed.

c. The elevation of the base flood.

(2) Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, streams, etc., as shown on the county's FIRM, and prior to approval by the director of environmental engineering, the applicant shall also obtain approval from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality or the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Further, the applicant shall give notification of the proposal to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the director of environmental engineering, the department of conservation and recreation (division of soil and water conservation) and the federal insurance administrator.

(3) One residential dwelling shall be permitted on each parcel recorded as of March 16, 1983, that is at least 95 percent inundated by the base flood and located within the base flood, provided it shall have a minimum floor level of 12 inches above the base flood and cause no increase in the base flood elevation. No residential dwelling shall be permitted on parcels recorded after March 16, 1983, within the base flood, unless approved by the planning commission through a modification to development standards or requirements, provided that such dwelling shall have a minimum floor level of 12 inches above the base flood and cause no increase in the base flood elevation.

(4) All new construction and substantial improvements to accessory residential buildings and structures shall be permitted within a floodway fringe area if the director of environmental engineering determines that it does not adversely affect the base flood.

(5) All substantial improvements of residential dwellings within the base flood area shall comply with section 19-61(a).

(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 floor level of 12 inches above the base flood elevation.

(7) All new construction and substantial improvements of nonresidential structures and accessory buildings within the floodway fringe shall either: have a minimum floor level of 12 inches above the base flood elevation; or together with attendant utility and sanitary facilities, be designed to be watertight at least 12 inches above the base flood elevation with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(8) All new construction and substantial improvements of nonresidential structures on property adjacent to the base flood area shall either: have a minimum floor level of 12 inches above the base flood elevation of the nearest A zone; or together with attendant utility and sanitary facilities, be designed so that at least 12 inches above the base flood elevation of the nearest A zone is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(9) When floodproofing is used for a particular structure in accordance with subsection (7) of this section, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A record of such certificates, indicating the specific elevation (referenced to the National Geodetic Vertical Datum of 1929 (NGVD)) to which

structures are floodproofed, shall be maintained with the director of environmental engineering in accordance with section 19-56.

(10) The county's emergency service coordinator may require that owners of existing manufactured home parks and manufactured home subdivisions located within the base flood area file an evacuation plan indicating alternate vehicular access and escape routes.

(11) All existing manufactured homes (in parks or on individual lots/parcels) located in the base flood area shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that: over-the-top ties shall be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side; frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with homes less than 50 feet long requiring four additional ties per side; all components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and any additions to the home shall be similarly anchored. All such manufactured homes shall be located no less than 36 inches above grade, provided that no manufactured home at the same site has sustained substantial damage from a flood. If any manufactured home at the same site has sustained substantial damage from a flood, all existing manufactured homes at the same site shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is elevated to or above the base flood elevation.

(12) The placement of new manufactured homes on individual lots or parcels, the construction of new manufactured home parks and manufactured home subdivisions and the expansion or substantial improvements to existing manufactured home parks and manufactured home subdivisions shall be prohibited within the base flood area.

(13) The placement of new manufactured homes on individual lots or parcels adjacent to the base flood area, the construction of new manufactured home parks and manufactured home subdivisions and the expansion of existing manufactured home parks and manufactured home subdivisions shall require that: stands or lots be elevated on compacted fill or on pilings so that the lowest floor of the home will be at least 12 inches above the base flood elevation of the nearest A zone and be set back at least 25 feet horizontal distance from the outermost boundary of the base flood; adequate surface drainage and access for a hauler be provided; and in the instance of elevation on pilings, lots be large enough to permit steps piling foundations to be placed in stable soil not more than ten feet apart and reinforcement shall be provided for pilings more than six feet above ground level.

(14) All subdivision proposals and other proposed new developments shall include, within such proposals, base flood elevation data.

(15) All new construction and substantial improvements to existing structures shall have the access driveways elevated to at least the base flood elevation.

(16) There shall be no filling of any floodplains unless an approved land disturbance permit, building permit, improvement sketch, subdivision or site plan is on file with the department of environmental engineering.

(17) Filling in the base flood area shall be prohibited to make a building lot for the purpose of constructing a residential dwelling unless permitted by the planning commission by a modification to development standards or requirements. This prohibition shall not apply to section 19-58(a)(3).

(b) *Floodway district.*

(1) The following shall be prohibited in the floodway district: structures, substantial improvements, manufactured homes, fill or other development. The county shall not grant relief from this provision through any process, unless relief from this provision shall have first been approved by FEMA to the extent that FEMA approval is required.

(2) Permitted uses. In the floodway district, the following uses and activities are permitted, subject to review and approval of the director of environmental engineering; provided, that they comply with the provisions of the underlying district and are not prohibited by any other ordinance. Further, no use shall be permitted except where the effect of such use on flood heights is fully offset by accompanying improvements, which have been approved by the director of environmental engineering and/or state authorities, as required:

a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

b. Public and private recreational uses and activities, such as parks, recreational vehicles, day camps, picnic grounds, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges and hunting and fishing areas.

c. Accessory residential uses, such as yard areas, gardens, play areas and loading areas.

d. Accessory industrial and commercial uses, such as yard areas, parking and loading areas, airport landing strips, etc.

e. Material extraction which will not increase the level of flooding or velocity. See chapter 8 of this Code and sections 19-19(b) and 19-60(a)(12).

f. Temporary outdoor recreational uses, such as circuses, carnivals and similar activities.

g. Utilities and public facilities and improvements, such as railroads, streets, bridges, transmission lines, pipelines, water and waste water treatment plants and other similar or related uses.

h. Water related uses and activities, such as marinas, docks, wharves, piers, gas pumps, etc., provided they do not increase the flood heights.

i. Storage of materials and equipment provided that they are not soil stockpiles, buoyant, flammable, explosive, toxic, or radioactive and are not subject to major damage by flooding; and/or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

j. Structures accessory to the uses and activities in the preceding list which do not require building permits.

k. Other similar uses, structures and activities provided that they cause no increase in flood heights and/or velocities.

(c) *Floodway fringe district*.

(1) *Generally*. In the floodway fringe district, the development and/or use of land shall be permitted in accordance with the regulations of the underlying zoning district; provided, that all such uses, activities and/or development shall not increase the base flood elevation and shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all applicable codes and ordinances.

(2) *Permitted uses*.

a. Those uses permitted in the floodway district, subject to review and approval of the director of environmental engineering.

b. Primary residential buildings, subject to the provisions of section 19-58(a)(4).

c. Nonresidential construction, subject to the provisions of section 19-58(a)(7).

d. Accessory residential structures, subject to the provisions of section 19-58(a)(4).

e. Golf courses.

(d) *Approximated floodplain district*. In the approximated floodplain district, all development and uses shall be the same as permitted in the floodway district.

(e) *100-year flood plains designated as riparian corridor management areas*.

(1) The following shall be prohibited within the 100-year flood plains adjacent to those intermittent streams designated in the Swift Creek Reservoir Watershed Master Plan as riparian corridor management areas, (non-RPA):

a. Clear cutting or thinning of trees;

b. Removal of tree stumps;

c. Clearing of vegetation;

d. Filling;

e. Grading;

f. Placement of fences or other appurtenant structures.

(2) The following actions are exempt from the prohibitions outlined above:

a. Construction, installation, operation and maintenance of electric, gas, cable and telephone transmission lines, railroads and public roads and their appurtenant structures if conducted in accordance with the Erosion and Sediment Control Law, Code of Virginia, §§ 10.1-560--10.1-571, or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board.

b. Construction, installation and maintenance of water, sewer and local gas lines, provided that:

1. To the degree possible, the location of such utilities and facilities should be outside 100-year flood plain.

2. No more land than necessary shall be disturbed to provide for the desired utility installation.

3. All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality.

4. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 and this division.

c. Silvicultural activities on lands in any agricultural district provided that such activities adhere to water quality protection procedures prescribed by the department of forestry in its "Best Management Practices Handbook for Forestry Operations", as amended.

d. Construction of the following:

1. Water wells;

2. Boardwalks, trails, pathways; and

3. Historic preservation and archaeological activities; provided that the director of environmental engineering finds that:

(i) Any required permits, except those to which this exemption specifically applies, shall have been issued;

(ii) Sufficient and reasonable proof is submitted that the intended use shall not deteriorate water quality;

(iii) The intended use does not conflict with nearby planned or approved uses; and

(iv) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 of this division.

(Code 1978, § 21.1-37; Ord. of 7-28-99, § 1; Ord. of 11-28-01, § 1)

Sec. 19-59. Applications for variances or modifications to development standards or requirements.

The burden of proof rests upon the applicant for a variance or modification to development standards or requirements, and without such proof the request must be denied. The applicant must show, in addition to the requirements contained in sections 19-21 and 19-19, good and sufficient cause; that failure to grant the variance or modification would result in an exceptional hardship; that granting the variance or modification will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances; and that the variance or modification is the minimum necessary, considering the flood hazard, to afford relief.

(Code 1978, § 21.1-38)

Sec. 19-60. Factors to be considered in granting building permits, variances and modifications to development standards or requirements.

(a) In considering (1) applications for development in the floodway, floodway fringe districts, and 100-year flood plains designated as riparian corridor management areas, including consideration of exceptions from the requirements of this division, or (2) variances; or (3) modification to development standards or requirements, the director of environmental engineering, board of zoning appeals or planning commission shall consider the following factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No building permit, variance or modification to development standards or requirements shall be granted for any proposed use, development or activity within the floodway or floodway fringe districts that will cause any increase in flood levels during the base flood.

(2) The danger of materials being swept onto other lands or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternate locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing and anticipated future development.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access to the property in time of flood by ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(12) The loss of beneficial natural stormwater management characteristics.

(13) Such other factors that are relevant to the purposes of this division.

(b) The director of environmental engineering, the board of zoning appeals or the planning commission may refer an application and accompanying documentation for a building permit, variance or modification to development standards or requirements to an engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights, velocities, the adequacy of the plans for protection or any other related matters.

(c) The board of zoning appeals or planning commission may forward requests for variances or modification to development standards or requirements to the Federal Insurance Administration for comment.

(d) The director of environmental engineering, board of zoning appeals and planning commission shall notify the applicant for a building permit, variance or modification to development standards or requirements, in writing, that the approval of such for construction of a structure below the base flood elevation could increase risk to life and property, and could result in increased premium rates for flood insurance.

(e) A record of the above notification, as well as all exception, variance and modification to development standards or requirements actions, including justification for their issuance, shall be maintained by the director of environmental engineering. Exceptions and variance approvals shall be noted in the annual report submitted to the county administrator.

(Code 1978, § 21.1-39; Ord. of 11-28-01, § 1)

Sec. 19-61. Existing structures in floodplain districts.

A structure or use of a structure on premises which lawfully existed before February 23, 1983, but which is not in conformity with this division may be continued subject to the following conditions:

(a) *Residential structures*.

(i) The modification, alteration, repair, reconstruction or improvement of any kind to a structure requiring a building permit located in any floodplain district, to an extent or amount of less than 50 percent of its value, in accordance with the county assessor's records, shall be elevated to the greatest extent possible.

(ii) A residential structure that receives substantial improvement shall be elevated to at least 12 inches above the base flood elevation.

(b) *Nonresidential structures*.

(i) The modification, alteration, repair, reconstruction or improvement of any kind to a nonresidential structure located in any floodplain district, to an extent or amount of less than 50 percent of its value, in accordance with the county assessor's records, shall be elevated and/or floodproofed to the greatest extent possible.

(ii) A nonresidential structure that receives substantial improvement shall be elevated to at least 12 inches above the base flood elevation and/or floodproofed to at least 12 inches above the base flood elevation.

(Code 1978, § 21.1-40)

Sec. 19-62. Additional provisions relative to flood hazard mitigation.

Within the base flood and/or the approximated floodplain areas, the following additional provisions shall be met:

(a) All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevations at least 12 inches above the base flood elevation.

(b) Water supply systems, sanitary waste water systems and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Design and construction shall be in accordance with BOCA requirements.

(c) Adequate drainage shall be provided to minimize exposure to flood heights.

(d) Preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the base flood elevations, boundaries of the floodplain districts, proposed lots and sites and fills and areas subject to special deed restrictions.

(e) A building permit application shall include the location of the base flood, if previously determined.

(Code 1978, § 21.1-41)

Sec. 19-63. County liability.

(a) The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based upon acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This division does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages.

(b) This division shall not create liability on the part of the county, or any officer or employee thereof, for any flood damages that result from reliance on this division, or any administrative decision lawfully made thereunder.

(Code 1978, § 21.1-42)

DIVISION 4. R-88 RESIDENTIAL DISTRICT

Sec. 19-64. Permitted uses by right.

The following uses shall be permitted by right in the R-88 District:

(a) Single-family dwellings.

(b) Churches and other places of worship, including parish houses, Sunday schools and temporary revival tents.

(c) Publicly operated schools, colleges, libraries and museums.

(d) Publicly operated parks, playgrounds and athletic fields, including their customary buildings and facilities. Public and private forests, wildlife preserves and conservation areas.

(e) Propagation and cultivation of crops, flowers, trees, and shrubs which are not offered for sale.

(f) Group homes.

(Code 1978, § 21.1-44)

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.

(Code 1978, § 21.1-45; Ord. of 8-22-01, § 1)

Sec. 19-66. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

(a) Private garages, garden, tool and storage buildings, boat houses, piers and docks. No shipping containers, manufactured homes, trailers, vehicle bodies or similar containers shall be used for or converted from their original use to be used for any of these purposes.

(b) Home occupations.

(c) Tennis courts and similar recreational facilities.

(d) Swimming pools and adjoining deck areas; provided that no swimming pool wall shall be located within six feet of an adjacent lot or parcel nor in a required front or corner side yard.

(e) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of the work.

(f) Signs.

(g) Yard sales.

(h) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-46)

Sec. 19-67. Conditional uses.

The following uses may be allowed by conditional use in the R-88 District, subject to the provisions of section 19-13:

(a) Residential stock farms.

(b) A dwelling unit separated from the principal dwelling unit.

(c) Public and private profit-making clubs, golf courses and other recreational facilities primarily serving the surrounding residential community.

(d) Planned developments.

(e) Park and ride lots.

(f) Two-family dwellings.

(g) Hospitals, clinics, sanitariums, medical and dental laboratories.

(h) Recreational facilities and grounds.

(i) Private schools, colleges, libraries and museums.

(j) Child and adult care centers and nursery schools.

(k) Boarding or lodging houses.

(l) Fraternities or sororities operating in conjunction with any public or private school or college.

(m) Public and private utility uses, so long as they require a structure, to include all water, waste water, solid waste disposal, electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmissions facilities; in addition, natural gas, liquified petroleum gas and petroleum products transmission facilities above or below ground. The following utility uses shall be permitted without obtaining a conditional use: public water and waste water lines and appurtenances; service lines to individual users; and cables, wires or pipes above or below ground when such uses are located in easements on public roads or in public roads.

(n) Group care facilities.

(o) Subject to the following requirements other uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-47; Ord. of 8-22-01, § 1)

Sec. 19-68. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21:

(a) Nonprofit legal service facilities.

(b) Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.

(c) Cemeteries and graveyards.

(d) Emergency rescue squad and fire station buildings and grounds.

(e) Government buildings.

(f) Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.

(g) A business operated on a lot or parcel inside or outside of a dwelling unit or accessory building and not a home occupation, not to include a massage clinic and certified massage therapist; provided that the owner or operator of the business resides on the premises.

(h) A mobile home located for a period not to exceed nine months; provided that the location of such mobile home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or act of God.

(i) Yard sales which exceed two days in duration.

(j) Kennel, private.

(Code 1978, § 21.1-48; Ord. of 9-26-01, § 1)

Sec. 19-69. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 88,000 square feet and a lot width of not less than 150 feet, except that where the lot fronts on a major arterial road, as shown on the comprehensive plan, the lot width shall be increased to 300 feet. The area of any lot not having direct access onto a major arterial road, as indicated on the comprehensive plan, may be reduced to a minimum of 65,340 square feet or, if the lot is served by public water and sewer, to a minimum of 43,560 square feet. In order to reduce the lot size in either case, the total number of lots within the platted subdivision shall be calculated as follows:

(1) Determine gross site area by actual onsite survey.

(2) Subtract land that is not contiguous as follows:

a. Any parcel that does not abut, adjoin or share a common boundary with the rest of the development.

b. Land that is cut off from the main parcel by an existing road, railroad, existing development or a perennial stream.

(3) Subtract land area constituting roads and land within ultimate rights-of-way of existing roads, as defined by the transportation plan.

(4) Subtract any remaining land within the limits of the base flood area.

(5) Subtract land previously used in calculating the density of other adjacent subdivisions.

(6) Subtract any remaining land within the limits of resource protection areas.

(7) Equals base site area.

(8) Multiply base site area by 0.5.

(9) Equals base lots or residential units permitted on the site.

(10) Bonus provisions. Calculate acreage in special areas preserved from development. To qualify for credit toward bonus density, this land area must meet the following criteria:

a. Land area must be exclusive of areas calculated above in subsections (1) through (6); and

b. Land area must fully meet the Standards for Classification of Real Estate as Devoted to Open-Space Use Under the Virginia Land Use Assessment Law, as amended, adopted by the director of the department of conservation and historic resources under the authority of Code of Virginia, § 58.1-3229 et seq.; however, regardless of size, areas otherwise qualifying as real estate devoted to open space use are eligible for credit toward the bonus density calculation; and

c. Land area must be subject to a recorded perpetual easement held by the county devoting such land to open-space use.

(11) Multiply acreage meeting the above criteria by 1.0 to get bonus lots.

(12) Add total base lots and bonus lots to get total allowable lots.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 20 percent of the lot's area.

(c) *Front yard. Minimum of 75 feet in depth*. 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 shall not be less than 25 feet. Minimum 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 record plat.

(d) *Side yard*. Two side yards, each a minimum of 40 feet in width.

(e) *Corner side yard*. Minimum of 75 feet, except that a corner lot back-to-back with another corner lot shall have a corner yard not less than 40 feet.

(f) *Rear yard*. Minimum of 50 feet in depth.

(Code 1978, § 21.1-49; Ord. of 2-21-01, § 1)

DIVISION 5. R-40 RESIDENTIAL DISTRICT

Sec. 19-70. Permitted uses by right.

The following uses shall be permitted by right in the R-40 District: Those uses permitted by right in the R-88 District.

(Code 1978, § 21.1-51)

Sec. 19-70.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-40 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-71. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-40 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-53)

Sec. 19-72. Conditional uses.

The following uses may be allowed by conditional use in the R-40 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-54)

Sec. 19-73. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-55)

Sec. 19-74. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 40,000 square feet and a lot width of not less than 150 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 20 percent of the lot's area.

(c) *Front yard*. Minimum of 60 feet in depth. 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 need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

(d) *Side yard*. Two side yards, each a minimum of 20 feet in width.

(e) Corner side yard. Minimum of 55 feet; except that lots recorded prior to April 1, 1974, shall only be required to observe corner side yards of 30 feet and a corner lot which is back to back with another corner lot shall have a corner side yard not less than 30 feet.

(f) *Rear yard*. Minimum of 50 feet in depth.

(Code 1978, § 21.1-56)

DIVISION 6. R-25 RESIDENTIAL DISTRICT

Sec. 19-75. Permitted uses by right.

The following uses shall be permitted by right in the R-25 District: Those uses permitted by right in the R-88 District.

(Code 1978, § 21.1-58)

Sec. 19-75.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-25 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-76. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-25 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-60)

Sec. 19-77. Conditional uses.

The following uses may be allowed by conditional use in the R-25 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-61)

Sec. 19-78. Special exceptions.

The following uses may be allowed as special exceptions in the R-25 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-62)

Sec. 19-79. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 25,000 square feet and a lot width of not less than 120 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 25 percent of the lot's area.

(c) *Front yard*. Minimum of 50 feet in depth. 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 shall not be less than 25 feet. Minimum 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 record plat.

(d) *Side yard*. Two side yards, each a minimum of 15 feet in width.

(e) *Corner side yard*. Minimum of 45 feet; except that a corner lot back to back with another corner lot shall have a corner side yard not less than 25 feet.

(f) *Rear yard*. Minimum of 40 feet in depth.

(Code 1978, § 21.1-63; Ord. of 2-21-01, § 1)

DIVISION 7. R-15 RESIDENTIAL DISTRICT

Sec. 19-80. Permitted uses by right.

The following uses shall be permitted by right in the R-15 District: Those uses permitted by right in the R-88 District.

(Code 1978, § 21.1-65)

Sec. 19-80.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-15 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-81. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-15 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-67)

Sec. 19-82. Conditional uses.

The following uses may be allowed by conditional use in the R-15 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-68)

Sec. 19-83. Special exceptions.

The following uses may be allowed as special exceptions in the R-15 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-69)

Sec. 19-84. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 15,000 square feet and a lot width of not less than 100 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(c) *Front yard*. Minimum of 40 feet in depth. 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 need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

(d) *Side yard*. Two side yards, each a minimum of 15 feet in width; provided that on any lot that was recorded as of December 11, 1945, the width of any side yard shall not be less than ten feet.

(e) *Corner side yard*. Minimum of 35 feet; except that subdivision lots recorded prior to April 1, 1974, shall contain corner side yards not less than 20 feet and a corner lot back to back with another corner lot shall have a corner side yard not less than 20 feet.

(f) *Rear yard*. Minimum of 25 feet in depth.

(Code 1978, § 21.1-70)

DIVISION 8. R-12 RESIDENTIAL DISTRICT

Sec. 19-85. Permitted uses by right.

The following uses shall be permitted by right in the R-12 District: Those uses permitted by right in the R-88 District.

(Code 1978, § 21.1-72)

Sec. 19-85.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-12 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-86. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-12 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-74)

Sec. 19-87. Conditional uses.

The following uses may be allowed by conditional use in the R-12 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-75)

Sec. 19-88. Special exceptions.

The following uses may be allowed as special exceptions in the R-12 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-76)

Sec. 19-89. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 12,000 square feet and a lot width of not less than 90 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(c) *Front yard*. Minimum of 35 feet in depth. 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 shall not be less than 25 feet. Minimum 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 record plat.

(d) *Side yard*. Two side yards, each a minimum of ten feet in width.

(e) *Corner side yard*. Minimum of 30 feet; except a corner lot back to back with another corner lot shall have a corner side yard not less than 20 feet.

(f) *Rear yard*. Minimum of 25 feet in depth.

(Code 1978, § 21.1-77; Ord. of 2-21-01, § 1)

DIVISION 9. R-9 RESIDENTIAL DISTRICT

Sec. 19-90. Permitted uses by right.

The following uses shall be permitted by right in the R-9 District: Those uses permitted by right in the R-88 District, provided, however that after August 27, 1997, R-9 zoning shall no longer be granted by the board of supervisors. Provided further that any property that has been zoned R-9 on or before August 27, 1997, shall continue to be subject to the provisions contained in this division.

(Code 1978, § 21.1-79; Ord. of 8-27-97, § 1)

Sec. 19-90.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-9 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-91. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-9 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-81)

Sec. 19-92. Conditional uses.

The following uses may be allowed by conditional use in the R-9 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-82)

Sec. 19-93. Special exceptions.

The following uses may be allowed as special exceptions in the R-9 District subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-83)

Sec. 19-94. Required conditions.

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

(a) *Lot area and width*. Each lot shall have an area of not less than 9,000 square feet and a lot width of not less than 75 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(c) *Front yard*. Minimum of 30 feet in depth. 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 shall not be less than 25 feet. Minimum 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 record plat.

(d) *Side yard*. Two side yards, each a minimum of 7 1/2 feet in width.

(e) *Corner side yard*. Minimum of 25 feet; except a corner lot back to back with another corner lot shall have a corner side yard not less than 15 feet.

(f) *Rear yard*. Minimum of 25 feet in depth.

(Code 1978, § 21.1-84; Ord. of 2-21-01, § 1)

DIVISION 10. R-7 RESIDENTIAL DISTRICT

Sec. 19-95. Permitted uses by right.

The following uses shall be permitted by right in the R-7 District: Those uses permitted by right in the R-88 District, provided, however that after August 27, 1997, R-7 zoning shall no longer be granted by the board of supervisors. Provided further that any property that has been

zoned R-7 on or before August 27, 1997, shall continue to be subject to the provisions contained in this division.

(Code 1978, § 21.1-86; Ord. of 8-27-97, § 1)

Sec. 19-95.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-7 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-96. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-7 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-88)

Sec. 19-97. Conditional uses.

The following uses may be allowed by conditional use in the R-7 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-89)

Sec. 19-98. Special exceptions.

The following uses may be allowed as special exceptions in the R-7 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-90)

Sec. 19-99. Required conditions.

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

(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 tentative subdivision 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 tentative 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.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(c) *Front yard*. Minimum of 30 feet in depth. 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 shall not be less than 25 feet. Minimum 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 record plat.

(d) *Side yard*. Two side yards, each a minimum of 7 1/2 feet in width; provided that on any lot which was recorded as of December 11, 1945, the width of either side yard shall not be less than five feet.

(e) *Corner side yard*. Minimum of 25 feet; except that subdivision lots recorded prior to April 1, 1974, shall observe corner side yards of 15 feet and a corner lot back-to-back with another corner lot shall have a corner side yard not less than 15 feet.

(f) *Rear yard*. Minimum of 25 feet in depth.

(Code 1978, § 21.1-91; Ord. of 2-21-01, § 1)

Sec. 19-100. Manufactured homes prohibited except under certain conditions.

The board of supervisors may grant a permit, with or without conditions, for the original location of a temporary manufactured home in an R-7 District and the permit shall specify the location of such home on the premises and shall assure compliance with county health and sanitary requirements. The permit shall be valid for up to seven years. At the expiration of the time specified on the permit, an application may be made for renewal of the manufactured home permit.

(Code 1978, § 21.1-92; Ord. of 9-25-96, § 1; Ord. of 11-14-01, § 1)

DIVISION 11. R-TH RESIDENTIAL-TOWNHOUSE DISTRICT

Sec. 19-101. Permitted uses by right.

The following uses shall be permitted by right in the R-TH District:

(a) Townhouses.

(b) Group homes.

(Code 1978, § 21.1-94)

Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH 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.

(Code 1978, §§ 21.1-45, 21.1-95; Ord. of 8-22-01, § 1)

Sec. 19-103. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-TH District:

(a) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale.

(b) Private garages, tool and storage buildings, boat houses, piers and docks. No shipping containers, trailers, vehicle bodies or similar containers shall be used for these purposes.

(c) Recreational facilities as required for a project and that primarily serve the surrounding residential community.

(d) Home occupations.

(e) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings and trailers shall be removed upon completion or abandonment of such work.

(f) Buildings and structures devoted to maintenance and groundskeeping purposes and equipment storage.

(g) Signs.

(h) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-96)

Sec. 19-104. Conditional uses.

The following uses may be allowed by conditional use in the R-TH District, subject to the provisions of section 19-13:

(a) Child and adult care centers and nursery schools.

(b) Planned developments.

(c) Public and private utility uses, so long as they require a structure, to include all water, waste water, solid waste disposal, electric, gas, communications and natural gas, liquefied, petroleum gas (LPG) and petroleum products transmissions facilities; in addition, natural gas, liquefied petroleum gas and petroleum products transmission facilities above or below ground. The following utility uses shall be permitted without obtaining a conditional use: public water and waste water lines and appurtenances; service lines to individual users; and cables, wires or pipes above or below ground when such uses are located in easements on public roads or in public roads.

(d) Group care facilities.

(e) Subject to the following requirements, other uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-97; Ord. of 8-22-01, § 1)

Sec. 19-105. Required conditions.

The purpose and goal of the following conditions is to create developments that protect against overcrowding, undue density of population, obstruction of light and air and that are attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Townhouse buildings should possess architectural variety but enhance an overall cohesive residential character. Character should be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied rooflines or other appurtenances such as lighting fixtures and/or planting. Townhouse rows of more than six units shall be clustered and employ sufficient variety of setbacks between units to avoid monotonous facades and bulky masses.

The conditions specified in this section shall be met in the R-TH District, except as noted in section 19-106:

(a) *Lot area and width*. Each lot shall have an area not less than 1,520 square feet and a lot width of not less than 19 feet; except end lots in townhouse groups or rows having less than five lots shall have lot area of not less than 2,320 square feet and a lot width of not less than 29 feet and end lots in townhouse groups or rows having five or more lots shall have a lot area of not less than 2,720 square feet and a lot width of not less than 34 feet.

(b) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 50 percent of the lot's area. No accessory building on any lot except for a private garage shall cover more than 225 square feet.

(c) *Setbacks from major arterials*. All buildings in the R-TH District shall have minimum 50-foot setbacks from the proposed rights-of-way, as indicated on the comprehensive plan.

(d) *Front yard*. Minimum of 20 feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

(e) *Side yard*. A side yard of not less than ten feet in width shall be provided for each end residence in townhouse groups or rows having four or fewer lots. Townhouse groups having five or more lots shall have a minimum side yard of 15 feet.

(f) *Corner side yard*. Minimum of 25 feet.

(g) *Rear yard*. Minimum of 25 feet in depth.

(h) *Driveways and parking areas*. All roads, 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.

(i) *Group or row design*.

(1) The total number of lots within each attached group or row of townhouses shall be varied, but in no case exceed ten, and shall be designed and sited as outlined herein.

(2) The front yard setback of each townhouse unit shall be varied at least two feet from the adjacent unit; every third unit shall vary at least four feet from the adjacent unit.

(j) *Minimum acreage*. Each townhouse development shall have a minimum of ten gross acres.

(k) *Density*. Density shall not exceed eight dwelling units per gross acre. Gross acreage is defined as all land within the exterior boundaries of the tract on which the development is located including private lots, private drives, parking areas, recreational areas, public streets and other public or semipublic uses established as part of the development plan.

(l) *Frontage on public street*. All lots shall have frontage on a public street, or access thereto by common right-of-way within 500 feet. Townhouse lots not fronting on a public street shall front on paved accessways designed and constructed in accordance with 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.

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

(n) *Common areas and ownership of property*. Common areas which are not contained in 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 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 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.

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

(Code 1978, § 21.1-99; Ord. of 2-21-01, § 1)

Sec. 19-106. Exemptions.

(a) Sections 19-101 through 19-105 shall not apply to lots in the R-TH District which:

(1) Had an approved, unexpired tentative subdivision plat on November 13, 1985, provided that the tentative subdivision plat has been properly renewed in accordance with the subdivision ordinance; or

(2) Had a subdivision plat recorded prior to November 13, 1985.

(b) Where the provisions of subsection (a) apply, the following shall be required:

(1) *Permitted uses by right*. The following uses shall be permitted by right in the R-TH District as referenced in this section: Townhouses.

(2) *Accessory uses, buildings or structures*. The following accessory uses, buildings or structures shall be permitted in the R-TH District: Those accessory uses, buildings or structures permitted in the R-88 District.

(3) *Conditional uses*. The following uses may be allowed as conditional uses in the R-TH District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(4) *Special exceptions*. The following uses may be allowed as special exceptions in the R-TH District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(5) *Required conditions*. The following conditions shall be met in the R-TH District, as referenced in this section:

a. *Lot area and width*. Each lot shall have an area of not less than 1,520 square feet and a lot width of not less than 19 feet, except end lots which shall have a lot area of not less than 2,320 square feet and a lot width of not less than 29 feet.

b. *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 40 percent of the lot's area. No accessory building on any lot except for a private garage shall cover more than 100 square feet.

c. *Front yard*. Not less than 25 feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

d. *Side yard*. A side yard of not less than ten feet in width shall be provided for each end residence in the building, except that corner side yards shall be not less than 25 feet.

e. *Rear yard*. Not less than 25 feet in depth measured from the rear main building line.

f. *Setbacks from major arterials*. All buildings and structures in the R-TH District shall have minimum 50-foot setbacks from the proposed rights-of-way of major arterials as indicated on the comprehensive plan, subject to the provisions of section 19-555 of the Development Standards Manual.

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.

h. *Limitation on number of units*. A maximum of ten units in a group of attached townhouses.

i. *Common areas and ownership of property*. Common areas which are not contained in 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.

j. *Density*. Density shall not exceed ten dwelling units per gross acre. Gross acreage is defined as all land within the exterior boundaries of the tract on which the development is located including private lots, private drives, parking areas, recreational areas, public streets and other public or semipublic uses established as part of the development plan.

k. *Minimum acreage required*. Each townhouse development shall have a minimum of ten gross acres.

l. *Frontage on public street*. Whenever the townhouse project's plan provides for other than one individual ownership, all lots shall have frontage on a public street or access thereto by common right-of-way within 500 feet.

m. *Recreational area required*. An area conveniently accessible to and included within the townhouse development consisting of not less than ten percent of the gross acreage shall be provided for suitable recreational use by the occupants of the townhouse development, and in no event shall less than 1 1/2 acres be so provided. A site plan of the recreational facilities shall be submitted to the director of planning for approval and incorporated in the master deed as approved before recording. Occupancy permits for townhouses shall be issued only when the recreational facilities have been completed according to approved plans; when the whole project, including recreational facilities, has been 50 percent completed; or when the developer-owner furnishes bond with approved surety to the county satisfactory to the director of planning and county attorney.

n. *Setback for driveways and parking areas*. All private driveways and parking areas shall be at least 50 feet from the proposed rights-of-way of major arterials as indicated on the comprehensive plan and 15 feet from all other rights-of-way of any other existing or proposed public roads.

(Code 1978, § 21.1-100)

DIVISION 12. R-MF MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 19-107. Permitted uses by right.

The following uses shall be permitted by right in the R-MF District:

(a) Multiple-family dwellings.

(b) Group homes.

(Code 1978, § 21.1-102)

Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF 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) 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.

(Ord. of 8-22-01, § 1)

Sec. 19-108. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-MF District:

(a) Private garages, gardens, tool and storage buildings. No shipping containers, trailers, vehicle bodies or similar containers shall be used for these purposes.

(b) Home occupations.

(c) Recreational facilities as required for the project and that primarily serve the surrounding residential community.

(d) Management office and maintenance buildings for the project.

(e) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of such work.

(f) Signs.

(g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-104)

Sec. 19-109. Conditional uses.

The following uses may be allowed by conditional use in the R-MF District, subject to the provisions of section 19-13:

(a) Child and adult care centers and nursery schools.

(b) Planned developments.

(c) Public and private utility uses, so long as they require a structure, to include all water, waste water, solid waste disposal, electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmissions facilities; in addition, natural gas, liquefied petroleum gas and petroleum products transmission facilities above or below ground. The following utility uses shall be permitted without obtaining a conditional use: public water and waste water lines and appurtenances; service lines to individual users; and cables, wires or pipes above or below ground when such uses are located in easements on public roads or in public roads.

(d) Group care facilities.

(e) Subject to the following requirements other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-105; Ord. of 8-22-01, § 1)

Sec. 19-110. Special exceptions.

The following uses may be allowed as special exceptions in the R-MF District, subject to the provisions of section 19-21: None.

(Code 1978, § 21.1-106)

Sec. 19-111. Required conditions.

The purpose and goal of the following conditions is to create a development which protects against overcrowding, undue density of population, obstruction of light and air, and which is attractive, convenient and harmonious. To this end, buildings should be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings should possess architectural variety but enhance an overall cohesive residential character. Character shall be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting.

The conditions specified in this section shall be met in the R-MF District except as specified in section 19-112.

(a) *Parcel area and density*. The minimum parcel size shall be 20 acres. The development's density shall not exceed ten dwelling units per gross acre.

(b) *Percentage of parcel coverage*. All buildings, including accessory buildings, on any parcel shall not cover more than 40 percent of the parcel's area. No accessory building on any parcel except for private garages and recreation, maintenance and management office buildings on any parcel shall cover more than 100 square feet.

(c) *Dwelling units*. No more than ten dwelling units shall be permitted on any one floor level of a building.

(d) *Setbacks from roads and property lines*. All structures shall be set back a minimum of 25 feet from interior private driveways. If the structure is 48 feet or more in height, the setback may be reduced to 20 feet where adjacent to a fire lane. Structures shall be set back at least 15 feet from any parking space and at least 50 feet from any proposed right-of-way. All structures shall be set back a minimum of 50 feet from all property lines, unless adjacent to another multifamily residential district, in which case a minimum setback of 30 feet shall be maintained. All perimeter yards shall be planted per the requirements of Perimeter landscaping C. Apartment buildings constructed along an adjacent or internal public road shall front that road.

(e) *Distance between buildings*. The minimum distance between buildings shall be 30 feet plus five feet for each story above three stories.

(f) *Sidewalks*. Sidewalks shall be provided and shown on the site plan.

(g) *Driveways and parking areas*. All roads, driveways and parking areas shall have concrete curbs and gutters, and the requirements for surface parking area landscaping per Section 19-519 shall be met. 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.

(h) *Roads*. A second road access (public or private) shall be designed and constructed to a public road prior to occupancy of more than 50 units. Additional accesses may be required, at the time of site plan approval, where more than 200 units are constructed. As used herein, the term "access roads" shall be those roads which connect residential clusters to public roads. Access roads shall have a minimum pavement width of 30 feet. All other private streets and driveways shall have a minimum pavement width of 24 feet.

(i) *Recreation area required*. An area conveniently accessible to and included within the development 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 site plan approval. Issuance of occupancy permits for multifamily dwelling units shall be in conjunction with the phasing of recreational facilities in accordance with the approved site plan.

(Code 1978, § 21.1-107)

Sec. 19-112. Exemptions.

Sections 19-107 through 19-111 shall not apply to undeveloped multifamily projects which had valid zoning and valid site plan approval on November 13, 1985, provided that the site plan approval remains valid. Exemptions shall be granted to permit these projects to be developed according to conditions of zoning and site plan approval.

(Code 1978, § 21.1-108)

DIVISION 13. MH-1 MANUFACTURED OR MOBILE HOME PARK DISTRICT

Sec. 19-113. Permitted uses by right.

The following uses shall be permitted by right in the MH-1 District:

(a) Manufactured home parks.

(b) Group homes.

Provided, however, that after February 1, 2002, MH-1 zoning shall no longer be granted by the board of supervisors. However, property that is not zoned MH-1 but has been granted a conditional use or conditional use planned development to permit a manufactured home park use may be rezoned MH-1 if such rezoning application is filed by August 1, 2002.

(Code 1978, § 21.1-110; Ord. of 11-14-01, § 1)

Sec. 19-114. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the MH-1 District: Any accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-112; Ord. of 11-14-01, § 1)

Sec. 19-114.1. Accessory use required conditions.

(a) Accessory buildings or accessory structures shall not be located within the required park setbacks specified in subsections 19-117(b) and (c).

(b) Setbacks from the street or travel way for accessory buildings and accessory structures shall be the same as that for the principal building.

(Ord. of 11-14-01, § 1)

Sec. 19-115. Conditional uses.

The following uses may be allowed by conditional use in the MH-1 District, subject to the provisions of section 19-13:

(a) Group care facilities.

(b) Planned developments.

(c) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this

subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-113; Ord. of 11-14-01, § 1)

Sec. 19-116. Special exceptions.

The following uses may be allowed as special exceptions in the MH-1 District, subject to the provisions of section 19-21: None.

(Code 1978, § 21.1-114; Ord. of 11-14-01, § 1)

Sec. 19-117. Required conditions.

(a) *Park access*. A manufactured home park of more than ten acres shall have more than one public street or travel way access to ensure that emergency services may be provided to the park and to secure safe and efficient access for all traffic. This requirement may be satisfied in the following ways:

(1) The park has a paved boulevard entrance of at least 45 feet in width, with minimum lane widths of 18 feet each; or

The park has an emergency access that meets the following criteria:

a. The access is at least 12 feet in width, with an additional clear area of three feet beyond the edge of pavement;

b. The area above the pavement has a vertical clearance of a minimum of 14 feet;

c. The minimum turning radius for any curve is 42 feet;

d. The access is constructed of all weather material;

e. The access is gated with one panel at least 12 foot wide by three foot tall constructed of painted two-inch tubular steel and the panels are secured by a heavy duty steel chain and a Knox padlock as approved by the Chesterfield County Fire Department;

f. The access is adequately maintained; and

g. The access is not used for parking; or

(2) Park owners may seek relief from this requirement by applying for a development standards waiver in accordance with section 19-19.

(b) *Front yard required*. The minimum front yard of a manufactured home park adjacent to a public street or travel way shall be 50 feet, such distance to be measured between the front property line and the nearest manufactured home or other structure, excluding gazebos, fountains or other decorative features not associated with an individual home or recreation area.

(c) *Side and rear yards required*. The minimum side and rear yards of a manufactured home park shall be 15 feet, such distance to be measured between the park property line and the nearest manufactured home or other structure. The planning director shall reduce this setback down to five feet (1) if he determines that the park is adjacent to natural drainage areas or other features that will function as visual separation of the park from adjacent uses; (2) if he determines that existing or proposed landscaping or an existing or proposed alternating solid board fence is sufficient to provide a visual separation of the park from adjacent uses; or (3) if the park is adjacent to a property or properties that are either zoned or designated in the comprehensive plan for nonresidential uses.

(d) *Density requirements*. Density shall be limited to no more than eight units per acre of gross park area.

(e) *Spacing requirements*. When replacing a manufactured home, homes shall be placed so that, at the nearest point, they shall be at least eight feet from structures accessory to other manufactured homes and 16 feet from any other manufactured home. The planning director may reduce the spacing between manufactured homes to ten feet when the homes are placed end to end and no other practicable alternative is available. For the purpose of the spacing requirements, a manufactured home includes any attached, enclosed structure. Detached carports or garages and storage structures are not considered to be part of the manufactured home. Attached accessory structures such as decks, porches and carports must be placed so that, at the nearest point, they shall be at least six feet from any other manufactured home or accessory structure attached to any other manufactured home.

(f) *Recreation area*. Any recreational areas that are provided shall be adequately maintained. They shall be kept free from items that would render the recreation area unusable such as impediments, manufactured homes, other non-recreational structures, weeds, or junk.

(g) *Placement*. All manufactured homes, including any hitch attached thereto, shall be set back a minimum of five feet, measured from the edge of the street, or, for those parks without paved streets, from the edge of the travel way. Manufactured homes shall not obstruct the use of any street, travel way, sidewalk, or public utility easement.

(h) *Parking*. For each manufactured home, parking area shall be provided sufficient to accommodate two standard size motor vehicles. Area to park one vehicle may be in a consolidated parking area within the manufactured home park. All required parking areas shall be of hard-surface, dustless construction.

(i) *Park streets*. All manufactured homes shall abut upon a park street of not less than 16 feet in width or a parking area adjacent to a street. Parking is prohibited within park

streets. Park streets shall have unobstructed access to a public street or highway. All park streets shall be constructed of bituminous concrete, concrete, or other similar material.

(j) *Refuse disposal*. Any common refuse storage and disposal areas provided by park management shall be maintained so that they do not adversely affect public health and safety. Such areas are subject to the requirements of section 19-503.

(k) *Skirts required*. All manufactured homes shall be completely skirted in accordance with the Uniform Statewide Building Code.

(Code 1978, § 21.1-115; Ord. of 11-14-01, § 1)

Sec. 19-117.1. Recreational vehicles.

Recreational vehicles shall not be permitted as dwelling units in a manufactured home park unless they are already permitted by zoning approval or are non-conforming.

(Ord. of 11-14-01, § 1)

Sec. 19-117.2. Manufactured home representative layout required.

Unless the park has already obtained an approved site plan, all manufactured home parks shall submit a representative layout to the director of planning within 90 days of February 1, 2002. The purpose of this layout is to provide the general layout but not to establish precise measurements. This layout is required so that the director of planning can monitor changes to nonconforming parks. The layout shall depict:

(a) The name and street address of the manufactured home park;

(b) The present land use classification of the manufactured home park and the approximate size of the tract making up the manufactured home park provided that this approximate size shall be used to determine the density of the park;

(c) The names, addresses, telephone numbers and facsimile numbers of the owner or owners of record of the manufactured home park and the person preparing the plan provided that there is no requirement that the person preparing the layout be a surveyor or engineer or that the layout be certified;

(d) The date, approximate north point, and approximate scale, provided that the scale shall be approximately one inch equals 50 feet or larger;

(e) The general location and widths of streets, travel ways, sidewalks, and any entrances or exits. Additionally, copies of any recorded public utility easements shall be attached to the layout;

(f) The general location, and approximate size of all buildings and structures (not including manufactured homes and accessory structures) within the manufactured home park;

(g) The general location and method of screening of any common solid waste storage areas provided to the residents within the manufactured home park;

(h) The general location of exterior boundary lines of the manufactured home park;

(i) The general location and address of individual manufactured homes, accessory structures (both attached and detached), and individual and consolidated parking areas; and

(j) The general location and size of any recreation area.

(Ord. of 11-14-01, § 1)

DIVISION 14. MH-2 MANUFACTURED OR MOBILE HOME SUBDIVISION DISTRICT

Sec. 19-118. Permitted uses by right.

The following uses shall be permitted by right in the MH-2 District:

(a) Those uses permitted by right in the R-88 District, except single-family dwellings.

(b) Manufactured or mobile home subdivisions.

(Code 1978, § 21.1-117)

Sec. 19-118.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the MH-2 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1)

Sec. 19-119. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the MH-2 District: Those accessory uses, buildings and structures permitted in the R-88 District.

(Code 1978, § 21.1-119)

Sec. 19-120. Conditional uses.

The following uses may be allowed by conditional use in the MH-2 District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

(Code 1978, § 21.1-120)

Sec. 19-121. Special exceptions.

The following uses may be allowed as special exceptions in the MH-2 District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

(Code 1978, § 21.1-121)

Sec. 19-122. Required conditions.

(a) *Lot area and width*. Each lot shall have an area of not less than 7,000 square feet and a lot width of not less than 50 feet; except that a double-wide manufactured or mobile home lot shall have a lot width of not less than 60 feet.

(b) *Required side yards*. Minimum of 7 1/2 feet in width; except where a side yard is adjacent to a public street, it shall be 30 feet.

(c) *Required front yard*. Minimum of 30 feet in depth. 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 need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

(d) *Required rear yard*. Minimum of 30 feet in depth.

(e) *Greenbelt*. A manufactured or mobile home subdivision shall have a greenbelt planting strip not less than 20 feet in width, along all subdivision boundaries which do not include public streets, natural floodplain or drainage areas, or limited-access highways.

(f) *Minimum acreage*. Five gross acres.

(Code 1978, § 21.1-122)

DIVISION 14.1. MH-3 MANUFACTURED HOME PARK DISTRICT

Sec. 19-122.1. Permitted uses by right.

The following uses shall be permitted by right in the MH-3 District:

(a) Manufactured home parks;

(b) Group homes.

(Ord. of 11-14-01, § 1)

Sec. 19-122.2. Uses permitted with certain restrictions.

The following uses shall be permitted in the MH-3 District subject to compliance with any conditions specified herein 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) Uses permitted with restrictions in the R-88 District.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.3. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the MH-3 District: Any accessory uses, buildings and structures permitted in the R-88 District.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.4. Accessory use required conditions.

(a) Accessory buildings or accessory structures shall not be located within the required park setbacks.

(b) Setbacks for accessory buildings and accessory structures on individual lots shall be as follows:

(1) Front yard: Minimum of 20 feet;

(2) Side yard: Minimum of five feet;

(3) Corner side yard: Minimum of 20 feet;

(4) Rear yard: Minimum of five feet.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.5. Conditional uses.

The following uses may be allowed by conditional use in the MH-3 District, subject to the provisions of section 19-13:

(a) Group care facilities;

(b) Planned developments;

(c) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.6. Special exceptions.

The following uses may be allowed as special exceptions in the MH-3 District, subject to the provisions of section 19-21: None.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.7. Required conditions.

(a) *Park size and access*. A manufactured home park shall contain at least ten acres and shall have more than one public street access.

(b) *Front yard required for the manufactured home park*. The minimum front yard of a manufactured home park adjacent to a public street shall be 50 feet, such distance to be measured between the front property line and the nearest manufactured home or other structure. Perimeter landscaping C shall be installed and maintained within this 50-foot area in accordance with Division 3 of the development standards manual (County Code §§ 19-516 through 19-519).

(c) *Side and rear yards required for the manufactured home park*. The minimum side and rear yards of a manufactured home park shall be 15 feet, such distance to be measured between the park property line and the nearest manufactured home or other structure. Side and rear yards shall contain a screen, fence or landscape planting which shall be designed and planted to be 50 percent or more solid when viewed horizontally between two and six feet above average ground level. The planning director may modify this requirement if topography or other natural features present would render this screening requirement ineffective.

(d) *Density requirements*. Density shall be limited to no more than six units per acre of gross park area. Each lot for an individual unit shall not be less than 4,000 square feet in area and shall not be less than 58 feet wide.

(e) *Setback requirements*. Manufactured homes shall be placed in pad sites so that, at the nearest point, they shall be at least 20 feet from all streets (internal and external) and parking areas and 30 feet from other manufactured homes. The setback requirements for manufactured homes shall be as follows:

(1) Front yards: Minimum of 20 feet;

(2) Side yards: Minimum of 15 feet;

(3) Corner side yard: Minimum of 20 feet;

(4) Rear yard: Minimum of 15 feet.

(f) *Recreation area required*. At least ten percent of the gross park area shall be designated and reserved for suitable recreational areas. Fifty percent of such areas shall be provided outside of any established floodplain and shall have a slope of not more than five

percent. Sufficient recreational equipment, such as swing sets, seesaws, picnic tables, benches, sandboxes, shall be installed within this area based on a plan approved by the director of planning (in conjunction with or as part of the site plan). Recreational equipment shall be designed, constructed and maintained to be safe, with no protruding bolts or sharp edges that may result in injury. All required safety fall zones and surfacing standards shall be met.

(g) *Placement*. All manufactured homes shall be placed in a designated pad site and shall not obstruct the use of, or overhang, any street, sidewalk or public utility easement.

(h) *Parking*. At least two parking spaces shall be provided within each manufactured home pad site. All required parking areas shall be constructed of bituminous concrete, concrete or other similar material.

(i) *Park streets*. All manufactured home pad sites shall abut upon a park street of not less than 24 feet in width or a parking area adjacent to a street. Parking is prohibited within park streets. Park streets shall have unobstructed access to a public street or highway. All park streets shall be constructed of bituminous concrete, concrete or other similar material.

(j) *Underground utilities*. All telephone, electrical distribution, water, fuel and other utility lines shall be placed underground. All sanitary waste water connections shall be located beneath the respective manufactured home.

(k) *Refuse disposal*. The storage and collection of refuse shall not create a health or fire hazard. All refuse shall be stored in flyproof, watertight, rodent proof containers, which shall be provided in sufficient capacity. The park management shall be responsible for the collection and proper disposal of all refuse.

(l) *Skirts required*. All manufactured homes shall be completely skirted as required by the Uniform Statewide Building Code.

(m) *Street trees required*. All internal streets within the manufactured home park shall be lined with trees. The trees shall have a minimum caliper of two and one-half inches. Each side of each internal street shall have the equivalent of at least one tree every 50 feet. The location and species will be located so that the manufactured homes may be replaced. The exact location and species shall be determined in conjunction with a plan approved by the director of planning.

(n) *Street lights required*. Street lighting shall be installed in manufactured home parks at intersections of internal streets. Street lighting shall also be installed in other locations as are found by the department of engineering to require lighting in the interests of safety and security for persons, property or traffic. Lighting shall be installed in accordance with standards approved by the department of engineering and shall be depicted on a plan approved by the director of planning (in conjunction with or as a part of the site plan). When possible, standards for locating street lighting shall comply with the adopted streetlight policy.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-122.8. Site plan required.

A site plan shall be required in accordance with the provisions of Article V, Division 2, County Code §§ 19-264 to 19-272.

(Ord. of 8-22-01, § 1; Ord. of 11-14-01, § 1)

DIVISION 15. A AGRICULTURAL DISTRICT

Sec. 19-123. Permitted uses by right.

The following uses shall be permitted by right in the A District:

(a) Same as specified for R-88 District.

(b) Farming, not including stock or dairy farming, but including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use.

(c) Forestry operations and sawmills together with the incidental uses thereof.

(d) Graveyards.

(e) Kennel, private.

(f) Permanent manufactured home: Any manufactured home which is permitted by right in the zoning district in which it is located and for which a manufactured home permit or special exception is not required.

(Code 1978, § 21.1-124; Ord. of 9-25-96, § 2; Ord. of 11-14-01, § 1)

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

(a) 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 these restrictions cannot be met, these uses may be allowed by special exception, subject to the provisions of section 19-21(e).

(1) 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 not less than three acres.

(b) 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:

(1) 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.

(2) 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.

(Code 1978, § 21.1-125; Ord. of 9-25-96, § 3; Ord. of 8-22-01, § 1)

Sec. 19-125. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the A District:

(a) Those accessory uses, buildings and structures permitted in the R-88 District.

(b) The sale or offering for sale, by the owner or tenant, of any form of goods produced or grown on the farm land including: (1) the construction of a greenhouse, hothouse or plant nursery, for the purpose of starting plants to be incorporated into the farming use, but not for direct sale; and (2) including the construction of a stand or shelter for the sale of such goods.

(Code 1978, § 21.1-126)

Sec. 19-126. Conditional uses.

The following uses may be allowed by conditional use in the A District, subject to the provisions of section 19-13:

(a) Same as specified for R-88 District.

(b) Sand, clay and gravel pits, granite quarries, mines and other operations for the mining of materials and removal of natural earth resources from the earth or subsoil, subject to the regulations that are specified in section 19-195(b).

(c) Sanitary landfill operations.

(d) Outdoor recreational establishments.

(e) Airports.

(f) Storage of discarded material.

(g) Any permitted or conditional use allowed in the C-5 or I-3 Districts other than halfway houses.

(h) Landfills. Construction/demolition/debris only subject to the following minimum restrictions plus any additional or more stringent requirements imposed by the board of supervisors:

(1) *Permitted waste types*.

Waste Classification	*Waste Types*
Debris	Stumps, wood, brush and leaves from land clearing operations
Construction waste	Lumber, wire, sheetrock, brick, shingles, glass, pipe, concrete, metal, plastics or any empty containers of such materials
Demolition waste	Waste produced from the destruction of buildings and structures and their foundations, including construction waste
Inert waste	Concrete, broken brick, brick, blocks and rubble

(2) *Buffers and setbacks*.

a. A 100-foot buffer shall be maintained between any disturbed area and adjacent property unless the board of supervisors approves a reduced buffer containing landscaping or other features which provide the same protection to adjacent property as a 100-foot buffer and the requirements of section 19-521(i) of the Development Standards Manual are met.

b. A 100-foot buffer shall be maintained between any disturbed area and any wetlands, 100-year floodplains or flowing streams.

c. A 200-foot buffer shall be maintained between any disturbed area and any residential, recreational or school use or any property zoned Agricultural (A) and designated on the comprehensive plan for such uses.

d. A 200-foot setback shall be maintained from any active water supply well.

(3) *Cell designs*.

a. A cell liner equivalent to 12 inches of impermeable clay (1 X 10-7 CM/SEC) shall be installed.

b. A synthetic liner may be substituted for the clay liner noted in subsection (a) above if the synthetic liner is installed over a 12-inch soil cushion.

c. An 18-inch sand drainage blanket shall be installed over the liner.

d. A five-foot separation shall be maintained from the waste material to the seasonally high groundwater table as determined by field measurement.

e. The minimum liner center line slope shall be two percent unless otherwise approved through site plan review.

f. The minimum liner cross slope shall be two percent unless otherwise approved through site plan review.

g. A final cap shall be installed over each cell that shall include the following:

1. Twelve inches of compacted clay with a permeability of 1 X 10-7 CM/SEC or its equivalent.

2. Twelve inches of soil (minimum) for final grading.

3. Twenty-four inches of compacted soil for vegetative cover.

(4) *Access road*.

a. The entrance road, taper and turn lanes shall be paved in accordance with Virginia Department of Highway standards.

b. The entrance road shall be paved from its intersection with a public road for a distance of at least 300 feet into the landfill property from a public road unless the director of transportation determines at the time of site plan review that a shorter paved entrance road will provide adequate access and internal circulation.

c. Adequate stacking capacity for vehicles shall be provided onsite.

d. Beyond the gate house, any area to be accessed by vehicles shall have an all weather surface designed to support truck traffic.

e. The access road shall be secured and locked so as to preclude access to the site when not opened for operation.

(5) *Access control*.

a. A gate attendant and/or operator shall be present when the site is open and receiving debris. For sites operating with a single person as attendant/operator, only one truck shall be unloaded at a time in the presence of the attendant/operator to ensure proper load inspection and control.

b. The gate attendant and/or operator shall inspect all loads from a point which permits visual inspection of the load. The inspection shall be conducted to prevent the dumping of all unauthorized materials including liquid and hazardous wastes. The permit holder shall be responsible for assuring the removal of all unauthorized wastes.

c. The gate attendant shall keep a log of all waste loads received at the site that includes the following minimum information:

1. Date.

2. Hauler.

3. Estimated volume.

4. Type of waste.

5. Source of waste (subdivision, development, location).

6. Cell location for burial.

d. All loads suspected of containing material other than that permitted shall be turned away.

e. The entrance gate shall be locked at all times that the gate attendant is not at the gate.

f. The facility shall be surrounded on all sides by natural barriers, fencing or an equivalent means of controlling vehicular traffic. All access shall be through gates, and such gates shall be securable and equipped with locks.

g. The equipment operator shall separate all materials other than that permitted for identification before pushing into the working face. Any unauthorized materials shall be removed from the site and placed in a site licensed to handle such materials.

(6) *Drainage and erosion control*.

a. Adequate channel evaluations, as determined by the director of environmental engineering, for the proposed improvements and evaluation of onsite and offsite drainage are required.

b. Soil and erosion control plans shall be prepared in accordance with county requirements and policies.

c. After every storm, the operator shall inspect all erosion control devices and repair such devices as needed.

d. All denuded slopes that will be exposed for periods in excess of 90 days shall have proper silt fencing, and with the exception of the working face of one stockpile of fill material, each denuded slope shall be seeded in the first planting season (spring or fall) following the establishment of such slope. Slopes lacking an adequate vegetative cover to prevent erosion shall be reseeded during the next planting season.

e. Soil stock pile areas shall have silt traps and fencing.

(7) *Compaction and cover*.

a. A compacted soil cover shall be used as required to prevent erosion and safety hazards. A minimum one-foot-thick progressive cover shall be maintained weekly so that the top of the lift is fully covered at the end of the workweek. A fire break shall be installed on the work face as required in the state facility permit and the working face shall be kept as small as practicable.

b. Debris shall be spread in shallow layers no higher than 20 feet and compacted. Before a new lift is started, all side slopes shall be covered with finished slopes which comply with the solid waste management regulations of the state department of waste management.

c. Cover material stockpiles shall be located adjacent to the working face.

(8) *Equipment*.

a. The operator shall have suitable backup or replacement equipment to maintain the operation during a period of equipment breakdown. The operator shall have suitable equipment for operating the site and performing the following functions:

1. Spreading and handling waste.

2. Transporting cover material from stockpiles.

3. Sweeping dust and mud from roads and entrances.

4. Watering down access roads for dust control.

5. Maintaining slopes and erosion control devices.

(9) *Personnel*.

a. The operator shall be responsible for maintaining the appropriate personnel to operate the site efficiently and effectively. At all times that the gate is opened and the site is receiving waste, the gate attendant and/or operator shall be on duty inspecting loads and spreading and compacting the waste.

(10) *Groundwater monitoring*.

a. The operator shall be responsible for the security of monitoring wells.

b. The wells shall be secured with steel casings and locked.

c. The wells shall be sampled in accordance with the permit and operations plan.

d. The results of all groundwater monitoring shall be reported directly to the county by the analytical testing laboratory.

(11) *Leachate contingency plan.*

a. In some instances leachate collection and treatment may be installed on a contingency basis, when and if a leachate problem develops.

b. The operator shall notify the county immediately when any leachate discharge is released and of the procedures that will be employed to contain the discharge prior to removal.

c. The contingency plan shall be on file with the county prior to the start-up of the disposal operation.

(12) Required information. In addition to the information required for the submission of a conditional use application, the following information shall be submitted for any conditional use application for the location and operation of a debris landfill:

a. Location map at a 1" = 200' scale showing all of the following characteristics within 500 feet of the property boundaries of the proposed project:

1. Surface water supply intakes.

2. Watershed protection zones.

3. Groundwater recharge areas.

4. Wetlands.

5. One-hundred-year floodplains.

6. Surface impoundments and free flowing streams.

7. Site topography.

8. Private or public wells.

9. Public roads.

10. Public facilities.

11. Residences and occupied structures.

b. Zoning, tax parcel and property map at a scale acceptable to the director of planning.

c. Hydrogeologic report prepared by a hydrogeologist of the site including the following information:

1. Hydrogeologic and soil characteristics of the site.

2. Vertical profile of soil to a depth 20 feet below the proposed floor of the landfill or to bedrock, whichever is less, in accordance with the following:

Acreage of Fill Area	*Total Number of Borings*
Less than 10	4
10—49	8
50—99	14
100--200	20
More than 200	24
For each additional 10 acres	1

3. Water level elevations for each location at least 24 hours after the field observations were completed.

4. Soil classifications data at the proposed floor of the landfill.

5. Statement on suitability of the site soils for use as a liner.

6. Map showing the direction of groundwater flow.

d. Report and engineering drawings prepared by a qualified landfill professional describing:

1. Sources and quantities of waste to be handled.

2. Proposed location and limits of operational area.

3. Entrance location and traffic impact analysis.

4. Proposed buffers from adjacent property owners.

5. Proposed depth and height of disposal operation.

6. Description of the site liner, leachate collection and removal system.

7. Proposed life (years) of the site.

8. Proposed environmental controls to minimize site impacts in the following areas: groundwater monitoring and protection; noise, dust, litter and water quality control; and gas migration.

(i) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-127)

Sec. 19-127. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21:

(a) Same as specified for R-88 District.

(b) Temporary manufactured or mobile homes for a period not to exceed seven years. At the expiration of the seven-year period, application may be made for renewal of the special exception.

(c) Stock or dairy farms when the lot or parcel has fewer than three acres.

(Code 1978, § 21.1-128; Ord. of 9-25-96, § 4)

Sec. 19-128. Required conditions.

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

(a) *Percentage of lot coverage*. All buildings, including accessory buildings, on any lot shall not cover more than 20 percent of the lot's area.

(b) *Front yard*. Minimum of 150 feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.

(c) *Side yard*. Two side yards, each a minimum of 40 feet in width.

(d) *Corner side yard*. Minimum of 75 feet, except that a corner lot back-to-back with another corner lot shall have a corner yard not less than 40 feet.

(e) *Rear yard*. Minimum of 50 feet in depth.

(f) *Required lot area*. Each primary structure, 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 width of not less than 150 feet.

(g) *Exemptions*.

(i) The requirements of this section shall not apply to any lot of record created prior to May 26, 1988. Lots exempted by this subsection shall comply with the requirements of section 19-84, except that each lot shall have a front yard having a depth of not less than 100 feet.

(ii) The front, side, corner and rear yard requirements of this section shall not apply when a variance has been granted authorizing a dwelling on a lot without public road frontage or when the existing dwelling was constructed on a lot without public road frontage prior to the April 28, 1976, requirement for public road frontage. Lots exempted by this subsection shall comply with the front, side, corner and rear yard requirements of section 19-84.

(iii) Any addition to a primary structure shall be set back from the ultimate right-of-way at least the same distance as the primary structure or the required front yard setback whichever is less. In the event that the primary structure is set back less than 40 feet from the ultimate right-of-way, then the addition shall be required to be set back at least 40 feet from the ultimate right-of-way.

(Code 1978, § 21.1-129; Ord. of 3-13-96, § 1; Ord. of 6-12-96, § 1)

DIVISION 16. O-1 NEIGHBORHOOD OFFICE DISTRICT

Sec. 19-129. Purpose and intent of district.

(a) The purpose and intent of the Neighborhood Office (O-1) District is to permit limited professional and administrative offices and similar uses to be developed as a transition between commercial/industrial uses and residential neighborhoods. Developments within this district should not generate excessive traffic volumes or truck traffic nor create undue noise or glare beyond lot lines and should be compatible with adjacent residential developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(b) The O-1 District should generally be located along minor arterial or collector streets, but not at arterial road intersections. In addition, this district may also be located between commercial/industrial districts and existing or proposed residential developments.

(Code 1978, § 21.1-130)

Sec. 19-130. Permitted uses by right.

Within any O-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(a) Offices.

(b) Libraries.

(c) Brokerages.

(d) Churches and/or Sunday schools.

(e) Convalescent homes, nursing homes and rest homes.

(f) Group care facilities.

(g) Museums.

(h) Nursery schools and child or adult care centers.

(i) Propagation and cultivation of crops, flowers, trees and shrubs which are not offered for sale.

(j) Public and private forests, wildlife preserves and conservation areas.

(k) Travel agencies to include travel arranging and transportation ticket services.

(l) Massage clinics.

(m) Underground utility uses except as provided in section 19-131(g), when such uses are located in easements or in public road rights-of-way.

(n) Access to any land which is located in an agricultural, office, business or industrial district or used for agricultural, office, business or industrial purposes.

(Code 1978, § 21.1-131; Ord. of 9-26-01, § 1)

Sec. 19-131. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-1 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) Medical clinics, provided that neither the business nor the building is designed to accommodate ambulance traffic.

(b) Eyewear sales and service, provided that:

(1) The sale and servicing of eyewear is performed by an optometrist or ophthalmologist as an accessory use in conjunction with his practice.

(2) Not more than 15 percent of the gross floor area may be devoted to such sales and services.

(c) Public or private parks, playgrounds and/or athletic fields, provided that:

(1) Organized sports leagues shall not be permitted on playfields, courts or similar areas.

(2) Playfields, courts or similar active recreational uses, provided that: (1) such uses shall be located a minimum of 100 feet from adjacent properties zoned for residential purposes or zoned agricultural and shown on the comprehensive plan as residential uses. The 100-foot setback shall be landscaped per section 19-522(a)(4) of the Development Standards Manual.

(d) Pharmacies, provided that:

(1) They shall be located in a building containing other medical services.

(2) They shall not have a separate outside entrance.

(e) Temporary construction trailers/buildings, provided that:

(1) They shall be devoted exclusively to construction activities on the premises.

(2) They shall be removed upon completion or abandonment of construction activities.

(f) Veterinary offices provided that:

(1) No animal boarding is permitted.

(2) No outside runs are permitted.

(3) No overnight care is permitted.

(g) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmissions facilities; in addition, natural gas, liquefied petroleum gas and petroleum products transmission facilities above or below ground, provided that all such uses which are visible from adjacent properties zoned residential or office or properties currently zoned agricultural and shown on the comprehensive plan as residential or office uses are enclosed within a structure having a style and character compatible with surrounding residential or office structures or are completely screened from view from such adjacent properties.

(h) Satellite dishes, provided that:

(1) The dishes are accessory to a principal use.

(2) The diameter of the dish does not exceed 12 feet.

(Code 1978, § 21.1-132)

Sec. 19-132. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the O-1 District:

(a) In conjunction with accessory residential uses, buildings and structures any accessory use, buildings and structures permitted in the R-88 District.

(b) A dwelling unit for the owner/operator of the business located on the property.

(c) Medical or dental laboratories, only when provided in conjunction with medical or dental offices.

(d) Signs.

(e) Other accessory uses, buildings and structures, not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-133)

Sec. 19-133. Conditional uses.

The following uses may be allowed by conditional use in the O-1 District, subject to the provisions of section 19-13:

(a) Planned developments.

(b) Nonprofit civic, social and fraternal clubs and lodges.

(c) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-134)

Sec. 19-134. Special exceptions.

The following uses may be allowed by special exception in the O-1 District, subject to the provisions of section 19-21: None.

(Code 1978, § 21.1-135)

Sec. 19-135. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the O-1 District.

(a) Except as permitted herein, no goods shall be produced for retail sale on the premises.

(b) All uses shall be conducted entirely within an enclosed building, except for accessory automobile parking.

(c) Individual buildings shall not exceed 5,000 square feet of gross floor area if located within 200 feet of an existing residentially zoned parcel or area currently zoned agricultural and shown on the comprehensive plan for residential use; but in no case shall any individual building exceed 8,000 square feet of gross floor area. Individual projects shall not exceed 5,000 square feet of gross floor area per acre, prior to any right-of-way dedication. All structures shall have an

architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

(d) Loading docks and drive-in loading doors shall be prohibited.

(e) With the exception of group care facilities, churches, convalescent homes, rest homes and nursing homes, no use shall be open to the public between 9:00 p.m. and 6:00 a.m.

(Code 1978, § 21.1-136; Ord. of 12-19-01, § 1)

DIVISION 17. O-2 CORPORATE OFFICE DISTRICT

Sec. 19-136. Purpose and intent of district.

(a) The purpose and intent of the Corporate Office (O-2) District is to encourage the integration of professional and administrative offices with supporting uses. Developments within this district should not create undue noise or glare beyond lot lines and should be compatible with adjacent residential developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(b) O-2 Districts should generally be located along arterial or collector roads. In addition, these districts may also be located between commercial/industrial districts and existing or proposed residential developments. If an O-2 District is used as a transition, adjacent to existing or planned residential neighborhoods, the site should be designed with office uses closer to the neighborhood, and nonoffice uses away from the neighborhood.

(Code 1978, § 21.1-137)

Sec. 19-137. Permitted uses by right.

Within any O-2 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(a) Any permitted uses in the O-1 District.

(b) Art school, gallery or museum.

(c) Funeral homes or mortuaries.

(d) Laboratories, medical or dental.

(e) Medical clinics.

(f) Messenger or telegraph services.

(g) Post offices.

(h) Communication studios, stations and/or offices exclusive of towers.

(i) Schools/colleges, public and private.

(j) Schools, business.

(k) Telephone exchanges.

(Code 1978, § 21.1-138; Ord. of 12-10-97, § 1)

Sec. 19-138. Uses permitted with certain restrictions.

The following uses shall be permitted in the O-2 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 the provisions of section 19-13:

(a) Unless permitted in the O-2 District, any uses permitted with restrictions in the Neighborhood Office (O-1) District except public or private parks, which are regulated by this section.

(b) Uses permitted in the C-1 District, artists' material and supply stores, health clubs, hotels and office supply stores provided that: (1) they are located in projects of 25 acres or more; (2) they are located internally to the project, not along any road on the periphery of the project; and (3) at any time the uses collectively shall not be permitted to exceed a gross floor area of 30 percent of the gross floor area of permitted by-right uses which are under construction or occupied in such projects.

(c) Schools--commercial, trade, music, dance, vocational and training, provided that such uses are located on the interior of the project and not along any road on the periphery of the project.

(d) Fire stations and rescue squads provided that:

(1) No external sirens or public address systems are provided except those mounted on emergency vehicles.

(2) All garage-type doors shall be screened from view of adjacent property in R, R-TH and R-MF Districts or properties currently zoned A and shown on the comprehensive plan for residential use, unless garage doors are architecturally compatible with area residential or agricultural properties.

(e) Golf courses, provided that no building, other than player shelters, shall be located within 200 feet of adjacent property in R, R-TH or R-MF Districts or property currently zoned A and shown on the comprehensive plan for residential use.

(f) Hospitals, provided that:

(1) They are located a minimum of 100 feet from adjacent property in R, R-TH or R-MF Districts or property currently zoned A and shown on the comprehensive plan for residential use; and

(2) Emergency room entrances do not face property in R, R-TH or R-MF Districts or property currently zoned A and shown on the comprehensive plan for residential use.

(g) Public or private parks provided that:

(1) Playfields, courts or similar active recreational uses shall be located a minimum of 100 feet from adjacent property in R, R-TH or R-MF Districts or property currently zoned A and shown on the comprehensive plan for residential uses; and

(2) The 100-foot setback shall be landscaped per section 19-522(a)(4) of the Development Standards Manual.

(h) Communication towers, provided that the structure is architecturally incorporated into the design of a building used for a permitted use.

(i) Warehouses for a permitted use provided that the warehouse does not exceed 25 percent of the gross floor area of the individual tenant office space. Further, all warehouse space(s) within office building(s) shall be served by a single loading door or dock.

(Code 1978, § 21.1-139; Ord. of 12-10-97, § 1)

Sec. 19-139. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the O-2 District:

(a) Accessory uses, buildings and structures not otherwise prohibited, that are customarily accessory and incidental to any permitted use.

(b) In conjunction with hotels, and within the same structure housing hotels, accessory uses such as automobile rentals, fitness centers (not including health clubs), restaurants, night clubs, gift shops and meeting rooms.

(c) Signs.

(Code 1978, § 21.1-140)

Sec. 19-140. Conditional uses.

The following uses may be allowed by conditional use in the O-2 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the O-1 District, unless previously permitted in this district.

(b) Landfills, construction/demolition/debris only, subject to the restrictions outlined in section 19-126(h).

(c) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on the considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-141)

Sec. 19-141. Special exceptions.

The following uses may be allowed by special exception in the O-2 District, subject to the provisions of section 19-21: Any special exception allowed in the O-1 District, unless previously permitted in this district.

(Code 1978, § 21.1-142)

Sec. 19-142. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the O-2 District.

(a) No goods shall be produced except for retail sales on the premises.

(b) All uses shall be conducted entirely within an enclosed building, except for accessory automobile parking and loading/unloading facilities.

(Code 1978, § 21.1-143; Ord. of 12-19-01, § 1)

DIVISION 18. C-1 CONVENIENCE BUSINESS DISTRICT

Sec. 19-143. Purpose and intent of district.

(a) The purpose and intent of the C-1 District is to permit limited retail and personal service operations such as the sale of food, hardware or gasoline; drug stores; banks; offices; and personal service operations near residential neighborhoods and in rural locations. The uses

permitted should be those uses which provide goods and services to nearby residential communities and should not include uses which would routinely attract customers from a wider market area. Design controls should apply to projects within this district to provide an effective land use transition between the residential community and this district.

(b) No C-1 District should contain more than three acres. No C-1 zoning should be granted within one mile of any other such district, unless such C-1 zoning is for the purpose of obtaining the three contiguous acres maximum and the development of the district provides a unified plan for architecture, access and signage.

(c) The C-1 District should generally be located at the intersection of collector streets; between residential neighborhoods and higher intensity uses and/or arterials; or at the intersections of arterials within planned rural portions of the county. All such locations may not be suitable for a C-1 District; however, a C-1 District may be suitable if the location is so designated on the comprehensive plan and if the living environment and integrity of the nearby residential area can be protected. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(Code 1978, § 21.1-144)

Sec. 19-144. Permitted uses by right.

Within any C-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(a) Access to any land located in an agricultural, office, business or industrial district or access to any land used for agricultural, office or industrial purposes.

(b) Bakery goods store.

(c) Banks and savings and loan associations with or without drive-in windows.

(d) Barber or beauty shop.

(e) Book, stationery, newspaper or magazine store.

(f) Brokerage.

(g) Camera store.

(h) Candy store.

(i) Commercial parking lots within the Ettrick Business core.

(j) Convenience store.

(k) Drugstore/pharmacy.

(l) Dry cleaning, pick-up and drop-off; coin-operated dry cleaning; pressing; laundry and laundromat; not to include dry cleaning plants.

(m) Dwellings, single family within the Ettrick Business Core.

(n) Florist shop.

(o) Grocery store.

(p) Hardware store.

(q) Nursery schools and child or adult care centers and kindergartens.

(r) Offices.

(s) Restaurants, not including fast food or carry-out restaurants.

(t) Shoe repair shop.

(u) Shopping centers.

(v) Tailoring and dressmaking shops.

(w) Massage clinics.

(x) Underground utility uses when such uses are located in easements or in public road rights-of-way, except as provided in section 19-145(a).

(y) Video rental and sales store.

(Code 1978, § 21.1-145; Ord. of 2-11-98, § 1; Ord. of 8-25-99, § 1; Ord. of 9-26-01, § 1)

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 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 the provisions of section 19-13:

(a) Unless permitted by right in the C-1 District, any uses permitted with restrictions in the O-1 District.

(b) Motor vehicle accessory store, provided that:

(1) No motor vehicle repair shall be permitted.

(2) No parts shall be installed on the premises.

(c) Gasoline sales in conjunction with a permitted use provided that:

(1) Such use is not located along streets which terminate in a residential neighborhood when the property is zoned C-1, and

(2) Such use is not located in the Chester Village Area.

(d) Pet grooming shops provided that:

(1) No animal boarding is permitted.

(2) No outside runs are permitted.

(3) No overnight care is permitted.

(e) Intercoms as accessory to permitted uses, provided that such system is not audible to any property located in an A, R, R-TH or R-MF District.

(Code 1978, § 21.1-146; Ord. of 2-11-98, § 1)

Sec. 19-146. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the C-1 District:

(a) Accessory uses, buildings and structures as permitted in the O-1 District.

(b) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-147)

Sec. 19-147. Conditional uses.

The following uses may be allowed by conditional use in the C-1 District, subject to the provisions of section 19-13:

(a) Any conditional use as allowed in the O-1 District, unless previously permitted in this district.

(b) Kennels, commercial.

(c) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed

use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-148)

Sec. 19-148. Special exceptions.

The following uses may be allowed by special exception in the C-1 District, subject to the provisions of section 19-21: Any special exception allowed in the R-88 District, unless previously permitted in this district.

(Code 1978, § 21.1-149)

Sec. 19-149. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the C-1 District:

(a) Individual buildings shall not exceed 5,000 square feet of gross floor area if located within 200 feet of an existing residentially zoned parcel or area currently zoned agricultural and shown on the comprehensive plan for residential use; but in no case shall any individual building exceed 8,000 square feet of gross floor area. Individual projects shall not exceed 5,000 square feet of gross floor area per acre, prior to any right-of-way dedication. All structures shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

(b) No goods may be produced for retail sale on the premises if more than five persons are engaged in such production.

(c) All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory automobile parking, loading or unloading facilities.

(d) The required number of parking spaces may be reduced by ten percent if the site is adjacent to or within a neighborhood containing pedestrian ways that extend to the site and are constructed within the site.

(e) No use shall be open to the public between 9:00 p.m. and 6:00 a.m.

(Code 1978, § 21.1-150; Ord. of 12-19-01, § 1)

DIVISION 19. C-2 NEIGHBORHOOD BUSINESS DISTRICT

Sec. 19-150. Purpose and intent of district.

(a) The purpose and intent of the C-2 District is to permit neighborhood-oriented retail services to include small shopping centers or developments which serve neighborhood-wide trade areas. Design controls shall apply to this district to provide an effective land use transition between the residential community and higher intensity uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area. Access to and the number of conflict points along arterial roadways should be limited. Integrated vehicular/pedestrian circulation should be provided within each project and between adjacent developments.

(b) The C-2 District should generally be located at the intersection of arterials or at the intersection of arterials with major collector streets.

(Code 1978, § 21.1-151)

Sec. 19-151. Permitted uses by right.

Within any C-2 District, no buildings, structures or premises shall be used or arranged or designed to be used except for one or more of the following uses:

(a) Any permitted use in the C-1 District.

(b) Antique shops, not to include pawnbrokers, indoor and outdoor flea markets and secondhand and consignment stores.

(c) Appliance stores.

(d) Art schools, galleries or museums.

(e) Artist material and supply stores.

(f) Bicycle sales and rentals.

(g) Catering establishments.

(h) Churches and/or Sunday schools.

(i) Clothing stores.

(j) Communication studios, offices and stations, exclusive of towers.

(k) Curio or gift shops.

(l) Department stores.

(m) Eyewear sales and services.

(n) Funeral homes or mortuaries.

(o) Furniture stores.

(p) Health clubs.

(q) Hobby stores.

(r) Jewelry stores.

(s) Libraries.

(t) Locksmith operations.

(u) Meat or seafood markets.

(v) Medical facilities or clinics.

(w) Medical and dental laboratories.

(x) Messenger or telegraph services.

(y) Motor vehicle accessory stores.

(z) Musical instrument stores.

(aa) Office supply stores.

(bb) Paint and wallpaper stores.

(cc) Pet shops, including pet grooming.

(dd) Photography studios.

(ee) Post offices and mailing services.

(ff) Radio, television and other home entertainment, sales and services.

(gg) Rental of health and party equipment; and small home hardware, tools and equipment.

(hh) Rest, convalescent or nursing homes and other group care facilities.

(ii) Restaurants, to include carry-out restaurants, but not fast-food restaurants.

(jj) Schools--music, dance and business.

(kk) Sewing machine sales, instruction and services.

(ll) Sporting goods sales.

(mm) Telephone exchanges.

(nn) Toy stores.

(oo) Veterinary clinics.

(Code 1978, § 21.1-152; Ord. of 2-26-97, § 1; Ord. of 12-19-01, § 1)

Sec. 19-152. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-2 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 the provisions of section 19-13:

(a) Unless permitted in the C-2 District, any use permitted with restrictions in the C-1 District.

(b) Automobile self-service stations, provided that such use is not located in the Chester Village Area.

(c) Greenhouses or nurseries, provided there is no outside storage or growing.

(d) Printing shops, provided that only copying and/or duplicating machines are used. No high-volume presses or web presses shall be permitted.

(e) Communication towers, provided that the structure is architecturally incorporated into and compatible with the design of a building used for a permitted use.

(f) Motor vehicle rental provided that:

(1) No motor vehicle repair shall be permitted; and

(2) No motor vehicle sales shall be permitted.

(g) Hospitals, provided that:

(1) They are located a minimum of 100 feet from adjacent residentially zoned property or areas currently zoned agricultural and shown on the comprehensive plan as residential uses; and

(2) Emergency room entrances do not face such residential or agricultural areas.

(h) Temporary outdoor Christmas tree sales, provided that:

(1) Sales shall not begin before November 15 and shall be restricted to retail sales of Christmas trees, wreaths, holly and similar decorative horticultural materials.

(2) A temporary stand not to exceed 200 square feet in area may be constructed or placed onsite in accordance with any applicable law, and/or one properly licensed, inspected and operative truck or other vehicle may be parked, when utilized for such sales.

(3) Any portion of the sales area shall be located in accordance with the minimum yard setbacks required for the district.

(4) Sufficient area shall be set aside onsite to provide a minimum of five temporary off-street parking spaces. If the sales are conducted on the same lot with an existing use, the required minimum and most convenient parking spaces for the existing use shall not be used for Christmas tree sales.

(5) Any temporary structures, parked vehicles, signs, trash, debris or other material associated with or resulting from the Christmas tree sale operation shall be removed no later than January 15.

(i) Prepared food and fruit and vegetable vendors, provided that:

(1) The use shall occur no more frequently than three days in any seven-day period beginning on Monday and ending on Sunday, provided that the use shall not occur more frequently than three consecutive days.

(2) Only prepared food and fruits and vegetables shall be sold.

(3) The use shall be permitted only on a lot or parcel occupied by a permanent use.

(4) A stand, not to exceed 200 square feet in area, and one properly licensed, inspected and operative truck or other vehicle may be placed or parked onsite, when utilized by the vendor.

(5) The use shall be permitted only where improved permanent parking facilities are available and the required minimum and most convenient parking spaces for the existing permanent use shall not be used.

(6) Any temporary structure, vehicle, sign or other material associated with or resulting from the use shall be removed from the lot or parcel no later than 24 hours following the end of each sales period.

(7) All vendor areas shall be located a minimum of 100 feet from any property in an R, R-TH or R-MF District or any property currently zoned agricultural and designated for residential use on the comprehensive plan

unless the sales area is separated from such property by a permanent building. All such vendor areas shall be located in accordance with the district's minimum setbacks.

(8) Hours of operation for vendors shall be restricted to the hours of operation of the permanent use on the lot or parcel.

(Code 1978, § 21.1-153)

Sec. 19-153. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the C-2 District:

(a) Accessory uses, buildings and structures permitted in the C-1 District.

(b) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-154)

Sec. 19-154. Conditional uses.

The following uses may be allowed by conditional use in the C-2 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the C-1 District, unless permitted in this district.

(b) Fast-food restaurants.

(c) Kennels, commercial.

(d) Landfills, construction/demolition/debris only, subject to the restrictions outlined in section 19-126(h).

(e) Outside public address system in conjunction with any permitted use, conditional use or special exception.

(f) Recreational establishments, commercial--indoor and outdoor.

(g) Halfway houses.

(h) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise;

light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-155; Ord. of 2-11-98, § 1)

Sec. 19-155. Special exceptions.

The following uses may be allowed by special exception in the C-2 District, subject to the provisions of section 19-21: Any special exception allowed in the C-1 District, unless previously permitted in this district.

(Code 1978, § 21.1-156)

Sec. 19-156. Required conditions.

In addition to the other requirements of this chapter, the following conditions shall be met in the C-2 District:

(a) No goods may be produced for retail sale on the premises, if more than ten persons are engaged in such production.

(b) Except as otherwise provided in sections 19-152(h) and (i), no outside display of merchandise for sale is permitted unless: (1) it is located within covered sidewalks or courtyard areas; (2) such areas are designed for such use; and (3) pedestrian ways are maintained.

(Code 1978, § 21.1-157; Ord. of 12-19-01, § 1)

DIVISION 20. C-3 COMMUNITY BUSINESS DISTRICT

Sec. 19-157. Purpose and intent of district.

(a) The purpose and intent of the C-3 District is to permit community-scale commercial development to include shopping centers which serve community-wide trade areas and promote public convenience and accessibility. Toward this end, mixed use projects containing commercial, office and residential townhouse/residential multifamily uses should be encouraged. Design controls should apply to this district requiring integrated design standards within individual projects; access to and the number of conflict points along arterial roadways should be limited; integrated vehicular/pedestrian access should be provided within each project and should be provided between adjacent developments. Sites should be designed to insure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(b) The C-3 District should generally be located along major arterials at their intersections with other arterials.

(Code 1978, § 21.1-158)

Sec. 19-158. Permitted uses by right.

Within any C-3 District, no buildings, structures or premises shall be used or arranged or designed to be used except for one or more of the following uses:

(a) Any permitted use in the C-2 District.

(b) Carpenter and cabinetmakers' offices and display rooms.

(c) Cocktail lounges and nightclubs.

(d) Contractors' offices and display rooms.

(e) Electrical, plumbing or heating supply sales, service and related display rooms.

(f) Feed, seed and ice sales.

(g) Fraternal uses.

(h) Greenhouses or nurseries.

(i) Home centers.

(j) Hospitals.

(k) Hotels.

(l) Indoor flea markets.

(m) Liquor stores.

(n) Motor vehicle washes.

(o) Park and ride lots.

(p) Recreational establishments, commercial-indoor.

(q) Repair services, excluding motor vehicle repair.

(r) Restaurants, to include carry-out.

(s) Schools--commercial, trade, vocational and training.

(t) Secondhand and consignment stores, excluding motor vehicle consignment lots.

(u) Taxidermies.

(v) Theaters, except drive-in theaters.

(w) Veterinary hospitals and/or commercial kennels.

(Code 1978, § 21.1-159; Ord. of 2-26-97, § 1; Ord. of 2-11-98, § 1; Ord. of 12-19-01, § 1)

Sec. 19-159. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-3 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 the provisions of section 19-13:

(a) Unless permitted in the C-3 District, any uses permitted with restrictions in the C-2 District.

(b) Automobile service stations, provided that such use is not located in the Chester Village Area.

(c) Motor vehicle repair, excluding body, major engine and transmission repair, provided that such use is not located in the Chester Village Area.

(d) Restaurants, fast food provided that such use is not located in the Chester Village Area.

(e) Material reclamation receiving centers provided that:

(1) The material is limited to aluminum, glass, plastic and paper products;

(2) The centers are located within a structure; and

(3) There is no overnight parking of tractor trailers other than in designated loading/unloading areas.

(f) Motor vehicle sales and rental, excluding commercial vehicles such as buses, tractor-trailer trucks, dump trucks, stake bed trucks, vans where the cargo area cannot be accessed from the driver's seat without exiting the vehicle and/or cab and chassis vehicles; construction equipment and motor vehicle consignment lots, and as accessory to sales and rental, service and repair, to exclude body repair, provided that:

(1) Motor vehicle service and repair is not located in the Chester Village Area as identified in Section 19-606.

(2) All such uses shall be set back a minimum of 100 feet from adjacent R, R-TH, R-MF and O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.

(3) Storage yards for vehicles awaiting body repair, painting, auction or wholesale sales shall be screened from view of any adjacent properties on which such yards are not permitted or do not exist, and from external public roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.

(4) All garage-type doors shall be oriented away from, or screened from view of, adjacent residential or office zoned properties, external roads or areas currently zoned agricultural and shown on the comprehensive plan for residential or office use.

(5) There shall be no elevated display of motor vehicles.

(6) All allowed repair activities and storage of new or replaced repair materials shall occur inside the buildings unless screened as required by Section 19-159(h).

(7) Motor vehicle sales is not located in Village Districts as identified in Section 19-606.

(g) Warehouses for permitted uses, provided that such buildings shall be set back a minimum of 100 feet from adjacent R, R-TH, R-MF or O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use when loading/warehouse areas are oriented toward such properties. The 100-foot setback shall be landscaped according to section 19-513(a)(4) of the Development Standards Manual. When loading/warehouse areas are oriented away from adjacent R, R-TH, R-MF or O Districts, setbacks shall be governed by the setbacks of this district.

(h) Outside storage, as accessory to a permitted use, including, but not limited to: retail building materials; construction equipment/materials; outside runs for commercial kennels or veterinary hospitals; feed/seed items; garden centers, greenhouses, hot houses; miscellaneous materials for retail/wholesale sales; provided that:

(1) Such uses are screened from view of any adjacent properties on which such uses are not permitted or do not exist, and from areas currently zoned A and designated on the comprehensive plan for R, A, O, or I-1 uses and external public road rights-of-way.

(2) No more than ten percent of the gross floor area of the principal use may be used for outdoor storage.

(i) Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that: (1) merchandise shall be located under a covered pedestrian way that does not exceed 16 feet in width;(2) no more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and (3) merchandise is displayed so that it does not obstruct pedestrian access.

(j) Residential multifamily and townhouses, provided that:

(1) No more than 30 percent of the gross acreage of any project may be used for R-MF or R-TH uses. Such uses shall be incorporated into an integrated schematic plan.

(2) No such residential uses shall be permitted until the following requirements are satisfied:

a. Construction has begun on a minimum of 50 percent of the gross site area devoted to nonresidential uses;

b. The minimum size for a project incorporating R-TH uses is 34 gross acres, while the minimum size for a project incorporating R-MF uses is 67 gross acres; and

c. Such uses comply with the requirements of the R-TH District or the R-MF Zoning District, except that densities for multifamily uses may be increased to 14 units per acre.

(k) Prepared food and fruit and vegetable vendors, provided that:

(1) Only prepared food fruits and vegetables shall be sold;

(2) They shall be permitted only on a lot or parcel occupied by a permanent use;

(3) They shall be located where improved permanent parking facilities are available for their use, provided that the required minimum and most convenient parking spaces for the existing permanent use shall be used;

(4) Any temporary structure, vehicle, sign or other material associated with or resulting from the use shall be removed from the lot or parcel no later than 24 hours following the end of the temporary sale cessation of the use; and

(5) All vendor areas shall be located a minimum of 1,000 feet from any property in an R, R-TH or R-MF District or any property currently zoned Agricultural and designated for residential use on the comprehensive plan unless the sales area is separate from the property by a permanent building, provided that all such areas shall be located in accordance with the district's minimum yard setbacks.

(Code 1978, § 21.1-160; Ord. of 2-26-97, § 1; Ord. of 6-24-98, § 1; Ord. of 12-15-99, § 1)

Sec. 19-160. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the C-3 District:

(a) Accessory uses, buildings and structures permitted in the C-2 District.

(b) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-161)

Sec. 19-161. Conditional uses.

The following uses may be allowed by conditional use in the C-3 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the C-2 District, unless previously permitted in this district.

(b) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(c) Computer controlled variable message electronic signs.

(Code 1978, § 21.1-162)

Sec. 19-162. Special exceptions.

The following uses may be allowed by special exception in the C-3 District, subject to the provisions of section 19-21: Unless permitted in the C-3 District, any special exception allowed in the C-2 District.

(Code 1978, § 21.1-163)

Sec. 19-163. Required conditions.

In addition to the other requirements of this chapter, the following conditions shall be met in the C-3 District:

(a) Except as provided herein, the same conditions as required in the C-2 District.

(b) No goods may be produced for retail sale on the premises, if more than 15 persons are engaged in such production.

(c) Outside display of merchandise for sale shall be permitted, provided such display conforms to the parking setbacks of the district in which it is located.

(Code 1978, § 21.1-164)

DIVISION 21. C-4 REGIONAL BUSINESS DISTRICT

Sec. 19-164. Purpose and intent of district.

(a) The purpose and intent of the Regional Business (C-4) District is to encourage integrated developments containing a mixture of regional shopping centers, employment centers, major office/light industrial parks and/or high density residential developments. Urban design standards should apply within individual projects; access to and the number of conflict points along major arterial roadways should be limited; an integrated system of vehicular/pedestrian circulation should be provided within individual projects and should be extended to adjacent developments. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(b) The C-4 District should generally be located on large sites adjacent to the county's limited access arterials at intersections/interchanges with major arterials. Direct access onto major arterials should be required and direct access onto limited access arterials should be encouraged. Generally, a C-4 District in a given location within the county should contain a minimum of 35 acres and a minimum 500,000 square feet of commercial, office and/or industrial uses.

(Code 1978, § 21.1-165)

Sec. 19-165. Permitted uses by right.

Within any C-4 District, no buildings, structures or premises shall be used or arranged or designed to be used except for one or more of the following uses:

(a) Any permitted use in the C-3 District.

(b) Any permitted use in the O-2 District.

(c) Commercial automobile parking.

(d) Recreational establishments, commercial--indoor and outdoor.

(Code 1978, § 21.1-166)

Sec. 19-166. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-4 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 the provisions of section 19-13:

(a) Unless allowed by right in the C-4 District, any uses permitted with restrictions in the C-3 District, except that the density of multifamily projects may be increased to 18 units per gross acre; however, with provision of deck or underground parking, multifamily densities may be increased to 25 units per gross acre.

(b) Any permitted use in the I-1 District, provided that not more than 30 percent of the gross acreage of the total project shall be occupied by such use.

(Code 1978, § 21.1-167)

Sec. 19-167. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the C-4 District:

(a) Accessory uses, buildings and structures permitted in the C-3 District.

(b) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-168)

Sec. 19-168. Conditional uses.

The following uses may be allowed by conditional use in the C-4 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the C-3 District, unless previously permitted in the C-4 District.

(b) Airports.

(c) Exposition buildings or centers.

(d) Stadiums or arenas.

(e) Truck terminals.

(f) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configurations of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-169)

Sec. 19-169. Special exceptions.

The following uses may be allowed by special exception in the C-4 District, subject to the provisions of section 19-21: Any special exception allowed in the C-3 District, unless previously permitted in the C-4 District.

(Code 1978, § 21.1-170)

Sec. 19-170. Required conditions.

In addition to the other requirements of this chapter, the following conditions shall be met in the C-4 District:

(a) Except as provided herein, the same conditions as required in C-3 District.

(b) Subject to the provisions of article VII, minimum project densities shall be 8,000 square feet of gross floor area per gross acre for retail projects and/or 15,000 square feet of gross floor area per gross acre for office projects. This density may be provided in phases subject to approval of a phasing plan by the director of planning and the director of transportation, which plan shall include appropriate assurances that minimum densities will be met.

(Code 1978, § 21.1-171)

DIVISION 22. C-5 GENERAL BUSINESS DISTRICT

Sec. 19-171. Purpose and intent of district.

(a) The purpose and intent of the General Business (C-5) District is to provide areas primarily for motor vehicle oriented uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(b) The C-5 District should generally be located along arterials or near industrial areas.

(Code 1978, § 21.1-172)

Sec. 19-172. Permitted uses by right.

Within any C-5 District, no buildings, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

(a) Any permitted uses in the C-3 District.

(b) Any permitted uses in the I-1 District.

(c) Commercial automobile parking.

(d) Mass transportation.

(e) Motor vehicle sales, service, repair and rental, excluding motor vehicle consignment lots.

(f) Recreational establishments, commercial--indoor.

(g) Wholesale trade of any products permitted to be sold at retail in this district.

In addition to the above uses, within a C-5 District, which is located outside of the boundaries of the Eastern Midlothian Turnpike Corridor, no buildings, structures or premises shall be used, arranged or designed to be used, except for one or more of the following uses:

(h) Drive-in theaters.

(i) Truck terminals.

(Code 1978, § 21.1-173; Ord. of 2-26-97, § 1; Ord. of 11-25-97, § 1; Ord. of 4-22-98, § 1; Ord. of 12-19-01, § 1)

Sec. 19-173. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-5 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 the provisions of section 19-13:

(a) Unless permitted in the C-5 District, any uses permitted with restrictions in the C-3 District.

(b) Travel trailer parks, which were zoned B-T prior to April 12, 1989, and were being operated as such prior to April 12, 1989. Such uses shall conform to the requirements which were in effect for such districts prior to April 12, 1989.

(c) Auction sales or salvage barns, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(d) Boat sales, service, repair and rental, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(e) Building material sales yards, not including concrete mixing, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(f) Communication towers, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(g) Contractor's shops and storage yards, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(h) Display sheds, garages, carports and houses sales including "shell" houses sales, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(i) Freight forwarding, packing and crating services, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(j) Farm implements and machinery sales, service, rental and repair establishments, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(k) Manufactured home, modular home and travel trailer sales, service, repair and rental, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(l) Material reclamation receiving centers--aluminum, glass, plastic and paper products only, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(m) Motels, motor courts or tourist homes, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(n) Motor vehicle storage/towing lots provided that:

(1) Such use was in existence prior to November 25, 1997. A change in ownership shall not affect the right to continue such use.

(2) Vehicle storage areas shall be screened from view of adjacent properties on which such uses are not permitted or do not exist, from external public roads and from A Districts that are shown on the comprehensive plan as R, R-TH, R-MF or O districts.

(3) No more than two motor vehicles and/or pieces of machinery stored onsite shall exceed the height of the screening.

(o) Public garages, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(p) Public utility service buildings, including facilities for construction or repair, or for the service or storage of utility materials or equipment, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(q) Recreational establishments, commercial--outdoor, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(r) Satellite dishes, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(s) Tractor-trailer service stations, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(t) Utility trailer and truck rental, provided that such use is not located in the Eastern Midlothian Turnpike Corridor.

(Code 1978, § 21.1-174; Ord. of 11-25-97, § 1; Ord. of 4-22-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-174. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the C-5 District:

(a) Accessory uses, buildings and structures as permitted in the C-3 District.

(b) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-175)

Sec. 19-175. Conditional uses.

The following uses may be allowed by conditional use in the C-5 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the C-3 District, unless previously permitted in the C-5 District.

(b) Adult businesses.

(c) Bondsman.

(d) Check cashing establishment.

(e) Motor vehicle consignment lots.

(f) Occult sciences (includes fortune tellers, palmists, astrologists, numerologists, clairvoyant, craniologist, phrenologist, card readers, spiritual readers, tea leaf readers, prophets and psychics).

(g) Outdoor flea market.

(h) Pawnbroker.

(i) Travel trailer parks.

(j) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and

exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-176; Ord. of 2-26-97, § 1; Ord. of 6-24-98, § 1; Ord. of 5-29-02, § 1)

Sec. 19-175.1. Conditional use criteria for adult businesses.

(a) Unless the applicant consents to a longer period of review, an application for a conditional use for an adult business must be approved or denied within 90 days of the filing of a complete application.

(b) In reviewing the application, the planning commission and board of supervisors may consider the following factors as well as other appropriate land use considerations:

(1) The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;

(2) The proximity of dwellings, churches, schools, parks or other places of public gatherings;

(3) The probable effect of the proposed use on the peace and enjoyment of people in their homes;

(4) The limitations of fire and rescue equipment and the means of access for fire and police protection;

(5) The preservation of cultural and historical landmarks and trees;

(6) The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;

(7) The conservation of property values;

(8) The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and

(9) The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and any negative secondary effects on surrounding properties and the neighborhood.

(c) If an application for conditional use for an adult business is denied and the applicant desires to appeal the denial, the county will facilitate the applicant's obtaining prompt review of the decision from the circuit court of the county. Unless the applicant agrees to an extension, the county will file a responsive pleading within ten days of service upon the county

of an appeal, will file a responsive brief within 15 days of service of the applicant's brief and will agree to any reasonable expedited trial or hearing date.

(Ord. of 5-29-02, § 1)

Sec. 19-176. Special exceptions.

The following uses may be allowed by special exception in the C-5 District, subject to the provisions of section 19-21: Any special exception allowed in the C-3 District, unless previously permitted in the C-5 District.

(Code 1978, § 21.1-177)

Sec. 19-177. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the C-5 District.

(a) No goods may be produced for retail sale on the premises, if more than 15 persons are engaged in such production.

(b) No outside display of merchandise for sale is permitted unless such display area conforms to the parking setbacks of this district. Further, there shall be no elevated structures to display motor vehicles.

(Code 1978, § 21.1-178; Ord. of 12-19-01, § 1)

Sec. 19-178. Manufactured homes.

A manufactured home used as the principal residence of the owner/operator or employee of a business located on the property will be permitted, subject to obtaining a manufactured home permit from the board of supervisors.

(Ord. of 12-19-01, § 1)

DIVISION 23. I-1 LIGHT INDUSTRIAL DISTRICT

Sec. 19-179. Purpose and intent of district.

(a) The purpose and intent of the Light Industrial District (I-1) is to encourage the grouping of administrative and research offices, laboratories and light manufacturing uses. Limited retail and service uses should be permitted when they are part of an integrated industrial development and are accessory to other uses within the project. Light manufacturing uses shall be those dependent upon raw materials first processed elsewhere.

(b) I-1 Districts may be located near residential districts to provide a transition between the residential uses and more intense commercial/industrial projects. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area. Access should be provided to arterials.

(Code 1978, § 21.1-179)

Sec. 19-180. Permitted uses by right.

Within any I-1 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(a) Access to land located in an agricultural, office, business or industrial district or used for agricultural, office or business purposes.

(b) Manufacturing of apparel and other finished products made from fabrics, leather and similar materials, except leather tanning.

(c) Bakery products manufacturing.

(d) Blending, mixing and compounding of manufactured goods.

(e) Bottling and canning soft drinks and carbonated water.

(f) Broom and brush manufacturing.

(g) Catering establishment.

(h) Coating, engraving and allied services.

(i) Cold storage.

(j) Communication studios and station, not to include towers (see restricted uses).

(k) Confectionery and related products manufacturing.

(l) Converting paper to paperboard products, paperboard containers and boxes.

(m) Cosmetics and toiletries (compounding only) manufacturing.

(n) Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals) manufacturing.

(o) Dry cleaning plants.

(p) Electric, lighting and wiring equipment, household appliances, computer equipment, communication equipment (including radio and TV) and electronic components and accessories manufacturing.

(q) Fabricating sheet metal products.

(r) Freight forwarding, packaging and crating services, not including truck terminals.

(s) Fur dressing and dyeing.

(t) Industrial and vocational training schools.

(u) Jewelry, silverware and platedware manufacturing.

(v) Laboratories and other research and development facilities.

(w) Lamp shades manufacturing.

(x) Linoleum, asphalt-feltbase and other hard surface floor cover manufacturing.

(y) Machine shop.

(z) Miscellaneous plastic products manufacturing.

(aa) Mortician's goods manufacturing.

(bb) Motion picture production.

(cc) Moving companies, to include, but not limited to, households and businesses.

(dd) Musical instruments and parts manufacturing.

(ee) Offices.

(ff) Paper recycling by the compaction method.

(gg) Park and ride lots.

(hh) Pens, pencils and other office and artists' materials manufacturing.

(ii) Pharmaceutical products manufacturing.

(jj) Photographic and optical goods manufacturing.

(kk) Printing, publishing and allied industries.

(ll) Professional scientific and controlling instruments manufacturing.

(mm) Publicly operated parks, playgrounds and athletic fields, including their customary buildings and facilities.

(nn) Rectifying and blending liquors.

(oo) Recycling and processing of any material permitted to be manufactured in this district.

(pp) Roasting coffee, coffee products and tea manufacturing.

(qq) Spices, flavor extracts and flavor syrups manufacturing.

(rr) Toys, amusement, sporting and athletic goods manufacturing.

(ss) Tool and equipment rental.

(tt) Umbrellas, parasols and canes manufacturing.

(uu) Underground utility uses, except as provided in section 19-181(d), when such uses are located in easements or public road rights-of-way.

(vv) Warehouses.

(ww) Watch and clock manufacturing.

(xx) Wholesaling houses and distributors.

(yy) Wine, brandy and brandy spirits manufacturing.

(Code 1978, § 21.1-180; Ord. of 8-25-99, § 1)

Sec. 19-181. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-1 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 the provisions of section 19-13:

(a) Hotels provided that: (1) such uses shall only be permitted in projects of 25 acres or more; and (2) at no time shall such uses exceed 30 percent of the gross floor area under construction or occupied by permitted uses in such projects.

(b) Uses permitted in the C-1 District, artist material and supply stores, health clubs, messenger or telegraph services and office supply stores provided that: (1) such uses shall only be permitted in projects of 25 acres or more; (2) at no time shall such uses exceed 30 percent of the gross floor area under construction or occupied by permitted uses in such projects; (3) such uses are located internally to the project, not along any road on the periphery of the project; (4) shall be primarily for the convenience of the employees of the industrial uses; and (5) communication towers, provided that the structure is architecturally incorporated into the design of a building.

(c) Schools--commercial, trade, music, dance, business, vocational and training, provided they are located on the interior of the project and not along roads located on the periphery of the project.

(d) Public and private utility uses, so long as they require a structure, to include all water and waste water pumping stations; electric, gas, communications and natural gas, liquefied petroleum gas (LPG) and petroleum products transmission facilities; in addition, natural gas, liquefied gas and petroleum products

transmission facilities above and below ground, provided that all such uses which are visible from adjacent R, R-TH, R-MF or O Districts or properties zoned Agricultural (A) and shown on the comprehensive plan as residential or office uses shall be enclosed within a structure having a style and character compatible with surrounding residential or office structures or shall be completely screened from view from such adjacent properties.

(e) Satellite dishes, provided that:

(1) The dishes are accessory to a principal use; and

(2) The diameter of the dish does not exceed 12 feet.

(f) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building.

(g) One temporary mobile home, provided that a mobile home has been legally on the property within the past six months and the board of supervisors grants a mobile home permit to allow the use to continue.

(Code 1978, § 21.1-181)

Sec. 19-182. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the I-1 District:

(a) Such other accessory uses, buildings and structures which are not prohibited and which are customarily accessory and incidental to any permitted use.

(b) Retail sale of goods or articles manufactured or assembled by a permitted use shall be permitted, provided the salesroom for any one establishment does not exceed a gross floor area of 30 percent of the gross floor area of the establishment up to a maximum of 2,000 gross square feet per establishment.

(c) Signs.

(Code 1978, § 21.1-182)

Sec. 19-183. Conditional uses.

The following uses may be allowed by conditional use in the I-1 District, subject to the provisions of section 19-13:

(a) Any permitted use or conditional use allowed in the C-3 District unless otherwise permitted in the I-1 District.

(b) Airports.

(c) Paper recycling by the chemical method.

(d) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-183)

Sec. 19-184. Special exceptions.

The following uses may be allowed by special exception in the I-1 District, subject to the provisions of section 19-21: Any special exception allowed in the C-3 District, unless otherwise permitted in the I-1 District.

(Code 1978, § 21.1-184)

Sec. 19-185. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-1 District.

(a) All uses, including storage, shall be conducted entirely within an enclosed building, except for accessory parking, loading and unloading facilities.

(b) The uses permitted in this district shall be those uses which are dependent upon raw materials first processed elsewhere.

(c) In addition to any other requirement of this chapter, and except where adjacent to a railroad, the uses permitted in this district, plus any accessory uses, shall be located at least 100 feet from any A, R, R-TH or R-MF District, subject to section 19-500.

(d) Loading areas shall be oriented away from any existing R, R-TH or R-MF District or property currently zoned agricultural and shown on the comprehensive plan for residential use.

(Code 1978, § 21.1-185; Ord. of 12-19-01, § 1)

DIVISION 24. I-2 GENERAL INDUSTRIAL DISTRICT

Sec. 19-186. Purpose and intent of district.

(a) The purpose and intent of the General Industrial (I-2) District is to provide adequate areas in appropriate locations for manufacturing and other related activities.

(b) The I-2 District should generally be located in areas with access to arterials or collector streets and, where practical, in locations where rail and water access are available. Uses within this district should generally be buffered from existing or proposed residential neighborhoods by less intense uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(Code 1978, § 21.1-186)

Sec. 19-187. Permitted uses by right.

Within any I-2 District, no buildings, structures or premises shall be used, arranged or designed to be used except for one or more of the following uses:

(a) Any permitted use in the I-1 District.

(b) Boat sales, service, repair and rental.

(c) Building materials--storage and sale.

(d) Contractors' offices, shops and storage yards.

(e) Cottonseed oil milling.

(f) Dairy products manufacturing.

(g) Electric transforming stations.

(h) Electrical transmission and distribution equipment, electrical industrial apparatus and other electrical machinery, equipment and supplies manufacturing.

(i) Feed and grain storage.

(j) Furniture and fixtures manufacturing.

(k) Greenhouses, hot houses and plant nurseries.

(l) Ice manufacturing.

(m) Macaroni, spaghetti, vermicelli, rigatoni and noodles manufacturing.

(n) Mass transportation.

(o) Motor vehicle service station.

(p) Other fabricated metal products manufacturing not otherwise listed in this chapter.

(q) Other food preparations manufacturing not otherwise listed in this chapter.

(r) Paint and varnish manufacturing.

(s) Petroleum products or fuel (gas or liquid) distribution with storage less than 18,000 gallons of liquid or cubic feet of gas.

(t) Pottery and related products manufacturing.

(u) Salad dressing manufacturing.

(v) Shortening, soybean oil, table oils, margarine, vegetable oil and other edible fats and oils manufacturing, excluding animal and marine fats and oils manufacturing.

(w) Signs and advertising displays--manufacturing.

(x) Satellite dishes for communication purposes.

(y) Storage yards.

(z) Sugar manufacturing.

(aa) Textile mill products manufacturing.

(bb) Tire recapping and vulcanizing establishments.

(cc) Tobacco products manufacturing.

(dd) Tool and equipment rental.

(ee) Tractor-trailer service stations.

(ff) Truck terminals.

(gg) Utility trailer and truck rental.

(hh) Water and wastewater treatment plants.

(Code 1978, § 21.1-187; Ord. of 11-25-97, § 1; Ord. of 12-19-01, § 1)

Sec. 19-188. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-2 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 the provision of section 19-13: Unless permitted in the I-2 District, except for hotels, any uses permitted with restrictions in the I-1 District.

(Code 1978, § 21.1-188)

Sec. 19-189. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the I-2 District.

(a) Accessory uses, buildings and structures permitted in the I-1 District unless otherwise permitted in the I-2 District.

(b) Outside public address systems.

(c) Such other accessory uses, buildings and structures which are not prohibited and which are customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-189)

Sec. 19-190. Conditional uses.

The following uses may be allowed by conditional use in the I-2 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the I-1 District, unless otherwise permitted in the I-2 District.

(b) Any use permitted by right or with certain restrictions or by conditional use in the C-5 District, unless otherwise permitted in the I-2 District.

(c) Petroleum products or fuel (gas or liquid distribution) in excess of 18,000 gallons of liquid or cubic feet of gas, but not to exceed 50,000 gallons of liquid or cubic feet of gas.

(d) Mining and quarrying operations, subject to the restrictions outlined for such uses in section 19-195(b), plus any additional conditions that may be required by the board of supervisors.

(e) Steam generation plants producing steam for others.

(f) Marine terminals.

(g) Crematoriums.

(h) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning

commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-190)

Sec. 19-191. Special exceptions.

The following uses may be allowed by special exception in the I-2 District, subject to the provisions of section 19-21: Any special exception allowed in the I-1 District, unless otherwise permitted in the I-2 District.

(Code 1978, § 21.1-191)

Sec. 19-192. Required conditions.

In addition to the other requirements of this chapter, the conditions specified in this section shall be met in the I-2 District.

(a) The uses permitted in this district are those uses which are dependent upon raw materials first processed elsewhere.

(b) In addition to any other requirement of this chapter, and except where adjacent to a railroad, the uses permitted in this district, plus any accessory uses, shall be located at least 200 feet from any A, R, R-TH or R-MF District, subject to section 19-500.

(Code 1978, § 21.1-192; Ord. of 12-19-01, § 1)

DIVISION 25. I-3 HEAVY INDUSTRIAL DISTRICT

Sec. 19-193. Purpose and intent of district.

(a) The purpose and intent of the Heavy Industrial (I-3) District is to provide locations for intense manufacturing uses which process raw materials. This district should not be located adjacent to existing or proposed residential, office or commercial areas.

(b) The I-3 District should generally be located in areas with access to arterial or collector roads and, where practical, in locations where rail and water access is available. This district should generally be buffered from residential, office or commercial districts by less intense uses. Sites should be designed to ensure maximum compatibility with, and minimal impact on, existing and future residential development in the area.

(Code 1978, § 21.1-193)

Sec. 19-194. Permitted uses by right.

Within any I-3 District, no buildings, structures or premises shall be used or arranged or designed to be used except for one or more of the following uses:

(a) Any permitted uses in the I-2 District.

(b) Abrasive, asbestos and miscellaneous nonmetallic mineral products manufacturing.

(c) Blast furnaces, steel works and rolling and finishing ferrous metals.

(d) Fuel (gas or liquid) distribution storage.

(e) Canning and preserving fruits, vegetables and seafoods.

(f) Cement (hydraulic) manufacturing.

(g) Chemicals and allied products manufacturing.

(h) Chrome plating and anodizing.

(i) Coal and coke storage.

(j) Concrete, gypsum and plaster products manufacturing.

(k) Crematoriums.

(l) Cut stone and stone products manufacturing.

(m) Flat glass manufacturing.

(n) Glass and glassware (pressed or blown) manufacturing.

(o) Grain mill products manufacturing.

(p) Industrial fibers and packaging films manufacturing.

(q) Iron and steel foundries.

(r) Leather tanning.

(s) Gas production plants, natural or manufactured gas storage and distribution points and other gas utilities.

(t) Lumber and wood products (except furniture) manufacturing.

(u) Machinery (except electrical) manufacturing.

(v) Malt manufacturing.

(w) Malt liquors manufacturing.

(x) Manufactured home manufacturing.

(y) Matches manufacturing.

(z) Meat products manufacturing.

(aa) Motor vehicle, boat and trailer manufacturing.

(bb) Nonferrous foundries and other primary metal industries.

(cc) Paper, pulp and allied products manufacturing.

(dd) Paper recycling by the chemical method.

(ee) Primary smelting and refining of nonferrous metals.

(ff) Rolling, drawing and extruding of nonferrous metals and alloys.

(gg) Rubber and miscellaneous plastic products manufacturing.

(hh) Secondary smelting and refining of nonferrous metals and alloys.

(ii) Structural clay products manufacturing.

(jj) Communications towers.

(kk) Transportation equipment manufacturing.

(Code 1978, § 21.1-194; Ord. of 11-14-01, § 1)

Sec. 19-195. Uses permitted with certain restrictions.

The following uses shall be permitted in the I-3 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 the provisions of section 19-13:

(a) Unless permitted in the I-3 District, any uses permitted with restrictions in the I-2 District.

(b) Sand, clay and gravel pits; quarries; mines and other operations for the mining of materials and removal of natural earth resources from the earth or subsoil provided that:

(1) The excavations shall be confined to areas at least 300 feet from any R, R-TH or R-MF District or any A District designated by the comprehensive plan for residential use and 200 feet from any O, C or I-1 District or any A District designated by the comprehensive plan for O, C or I-1 use.

(2) The excavations shall be confined to areas at least 200 feet from the right-of-way of any existing or platted street; except that where the ground level is higher than the street, the director of planning may permit excavations down to the elevation of the street.

(3) Any building containing power-driven or power-producing machinery or equipment shall be at least 600 feet from all adjacent property in any R, R-TH, R-MF, O, C or I-1 District or any A District designated by the comprehensive plan for residential, O, C or I-1 use or the right-of-way of any existing or platted street.

(4) All roadways on the premises and all vehicular entrances and exits to any public streets shall be located to insure public safety, lessen congestion and facilitate transportation, and shall be maintained so as to eliminate any nuisance from dust to neighboring properties.

(5) All equipment used for the production or transportation of materials shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noises, vibrations or dust, which constitute a nuisance. Processing areas shall be maintained in the safest condition at all times. In no case shall permitted processing affect the physical safety of persons or property on public streets or adjoining properties. The access road to the processing area shall be fenced and closed to unauthorized traffic by a gate. The boundary lines of the property where such processing is permitted shall be posted at intervals not in excess of 200 feet with signs warning against the dangerous operation being conducted on the premises.

(6) A plan of operation shall be submitted to, and approved by, the director of planning, which shall provide: for the safety and protection of other nearby interests and the general public health, safety, convenience, prosperity and welfare; and a satisfactory plan and program showing, by contour maps and otherwise, how the land is to be restored to a safe, stable and usable condition by regrading, drainage, planting or other suitable treatment so that it will resist erosion and conform substantially with adjacent land characteristics.

(7) Whenever the operation shall have ceased for any period exceeding 12 consecutive months, then all plants, buildings, structures (except fences), stockpiles and equipment shall be entirely removed from the premises, and the premises shall be restored as required herein.

(8) The director of planning shall require a bond with approved surety in such amount as he shall determine appropriate to guarantee the restoration work required above or the performance of other requirements mandated by this section.

(c) Junkyards provided that:

(1) Such use is set back at least 100 feet from rights-of-way and adjacent properties, except as provided in section 19-199.

(2) Such use shall be screened from view of rights-of-way and adjacent properties with landscaping and a solid board fence or a solid wall.

(3) Junk shall not be stored in piles that exceed the height of the screening.

(4) No collection or storage of any dangerous material such as explosives, chemicals, gases or radioactive substances shall be permitted.

(5) No such use shall permit liquid waste or any other substance harmful to soil or plant life to seep or flow through, under, over or across adjoining property.

(d) Motor vehicle storage/towing lots provided that:

(1) Vehicle storage areas shall be set back a minimum of 100 feet from external public roads and adjacent R, R-TH, R-MF and O Districts or A Districts that are shown on the comprehensive plan as R, R-TH, R-MF or O districts. This setback shall be landscaped according to section 19-522(a)(4) of the Development Standards Manual.

(2) Vehicle storage areas shall be screened from view of adjacent properties on which such uses are not permitted or do not exist, from external public roads and from A Districts that are shown on the comprehensive plans as R, R-TH, R-MF or O Districts.

(3) No more than two motor vehicles and/or pieces of machinery stored onsite shall exceed the height of the screening.

(Code 1978, § 21.1-195; Ord. of 11-25-97, § 2)

Sec. 19-196. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the I-3 District:

(a) Accessory uses, buildings and structures permitted in the I-2 District, unless otherwise permitted in the I-3 District.

(b) Such other accessory uses, buildings and structures which are not prohibited and which are customarily accessory and incidental to any permitted use.

(Code 1978, § 21.1-196)

Sec. 19-197. Conditional uses.

The following uses may be allowed by conditional use in the I-3 District, subject to the provisions of section 19-13:

(a) Any conditional use allowed in the I-2 District, unless otherwise permitted in the I-3 District.

(b) Ammunition, ordnance and accessories--manufacturing and storage.

(c) Fertilizer manufacturing.

(d) Incinerating, reducing or dumping of dead animals, garbage or refuse for compensation, including loading or transfer thereof and sanitary landfills.

(e) Slaughterhouses.

(f) Stockyards.

(g) Electric power generation plants producing electricity for others.

(h) Animal and marine fats and oils manufacturing.

(i) Petroleum refining and related industries.

(j) Off-track betting facilities.

(k) Subject to the following requirements, other uses which are not specifically enumerated in this chapter and which are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

(Code 1978, § 21.1-197; Ord. of 7-26-00, § 1; Ord. of 12-19-01, § 1)

Sec. 19-198. Special exceptions.

The following uses may be allowed by special exception in the I-3 District, subject to the provisions of section 19-21: Any special exception allowed in the I-1 District, unless otherwise permitted in the I-3 District.

(Code 1978, § 21.1-198)

Sec. 19-199. Required conditions.

In addition to any other requirements of this chapter, and except where adjacent to a railroad, the uses permitted in the I-3 District, plus any accessory uses, shall be located at least 300 feet from any A, R, R-TH or R-MF District and at least 200 feet from any O, C or I-1 District, subject to section 19-500.

(Code 1978, § 21.1-199)

Secs. 19-200--19-220. Reserved.

ARTICLE IV. COUNTYWIDE DEVELOPMENT STANDARDS

DIVISION 1. GENERAL PROVISIONS

Sec. 19-221. Development Standards Manual.

A portion of the development standards and requirements that apply to development in the county are found in this chapter. Additional standards are contained in the "Development Standards Manual" which is adopted by the board of supervisors by ordinance and incorporated by reference into this chapter. The Development Standards Manual may only be amended in the same manner as the other provisions of this chapter may be amended.

(Ord. of 6-24-98, § 1)

Sec. 19-222. Continued conformity with bulk regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building, structure or use shall be a continuing obligation of the owner of the building, structure or use or of the property on which it is located as long as the building, structure or use is in existence. Furthermore, no legally required yards, other open space or minimum lot area allocated to any building, structure or use shall, by virtue of change of ownership or other reason, be used to satisfy yard, other open space or minimum lot area requirements for any other building or use.

(Code 1978, § 21.1-200)

Sec. 19-223. Minimum requirements not to be encroached upon.

The minimum yards, parking spaces and other open spaces, including the lot area required by this chapter for every building, structure or use existing on March 31, 1997, or for any building, structure or use hereafter erected, shall not be encroached upon or considered as yard or parking space or open space required for any other building, structure or use, nor shall any yard or lot area be reduced below the district requirement of this chapter, except as permitted in sections 19-14 and 19-21(b).

(Code 1978, § 21.1-201)

Sec. 19-224. Division of zoning lots.

No improved zoning lot shall be divided into two or more zoning lots and no portion of any improved zoning lot shall be sold, unless all improved zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located and with the requirements of chapter 17.

(Code 1978, § 21.1-203)

DIVISION 2. BUFFER AND SCREEN MODIFICATIONS

Sec. 19-225. Reserved.

DIVISION 3. USE LIMITATIONS

Sec. 19-226. Service stations and public garages.

No automobile service station, automobile repair shop or public garage having above ground tanks shall have a vehicular entrance or exit within 200 feet of the premises of any residential use, school, playground, church, hospital, library or institutional building. In any case, no part of any such service station, repair shop or garage shall be within 100 feet of any such buildings or properties.

(Code 1978, § 21.1-242)

Sec. 19-227. Sale of alcoholic beverages near schools.

(a) Notwithstanding any provisions in this chapter to the contrary, a conditional use permit shall be required for all commercial establishments seeking to sell alcoholic beverages, as defined in Code of Virginia, § 4.1-100, for on-premises consumption, within 500 linear feet of a school that is owned or operated by the county and that is built after December 15, 1993.[1]

[1] This section does not apply to the following schools: Bailey Bridge Middle, Bellwood Elementary, Bensley Elementary, Bermuda Elementary, Beulah Elementary, L.C. Bird High, Bon Air Elementary (IDC), Bon Air (Primary) Elementary, Carver Middle, Chalkley Elementary, Chester Middle, Chesterfield Technical, Clover Hill Elementary, Clover Hill High,

Thelma Crenshaw Elementary, Crestwood Elementary, Curtis Elementary, A.M. Davis Elementary, Dupuy Elementary (Ettrick Annex), Ecoff Elementary, Enon Elementary, Ettrick Elementary, Evergreen Elementary, Falling Creek Elementary, Falling Creek Middle, O.B. Gates Elementary, W.W. Gordon Elementary, Grange Hall Elementary, Greenfield Elementary, Harrowgate Elementary, O.G. Henning Elementary, Hopkins Elementary, Jacobs Elementary, Kingsland Elementary, Manchester High, Manchester (High) Middle, Matoaca Elementary, Matoaca High, Matoaca Middle, Meadowbrook High, Midlothian Elementary (Swift Creek Middle Annex), Midlothian Middle (High), Midlothian High, Monacan High, Providence Elementary, Providence Middle, Reams Elementary, Robious Elementary, Robious Middle, Salem Elementary, Salem Middle, Alberta Smith Elementary, Swift Creek Elementary, Swift Creek Middle, Thomas Dale High, Union Branch Elementary, Union Grove Elementary, Vehicle Maintenance (Courthouse), Vehicle Maintenance (Walmsley), J.B. Watkins Elementary, C.C. Wells Elementary, Winterpock Elementary, Woolridge Elementary.

(b) As part of the regular review of all business license applications, the director of planning shall determine whether a commercial establishment intends to sell alcoholic beverages for on-premises consumption and whether it is located within 500 linear feet of a school built after December 15, 1993 that is owned or operated by the county. If the director of planning cannot determine whether the commercial establishment is located more than 500 linear feet from such school, the director of planning shall require, and the commercial establishment shall provide, a certification from a registered surveyor confirming the distance from the commercial establishment to the school. If the commercial establishment fails to provide the surveyor's certification, it shall be presumed that the establishment is within 500 linear feet of the school.

(c) No commercial establishment that holds a valid alcoholic beverage license from the Virginia Alcoholic Beverage Control Board at the time a school that is owned or operated by the county locates within 500 linear feet of the commercial establishment shall become a nonconforming use or be required to obtain a conditional use permit solely by virtue of the location of such school, so long as such license remains in force, is reissued as provided by law or, if such establishment is sold to a new owner, a valid license is issued to the new owner and such license remains in force or is reissued as provided by law.

(d) The distances prescribed in this section shall be measured by extending a straight line from the nearest property line (not the lease line) of the establishment selling alcoholic beverages to the nearest property line of the school.

(Code 1978, § 21.1-243.2)

DIVISION 4. CHESAPEAKE BAY PRESERVATION AREAS*

Sec. 19-228. Resource protection area boundaries.

Resource protection areas consist of:

(a) Tidal wetlands.

(b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or tributary streams.

(c) Tidal shores.

(d) A vegetated conservation area a minimum of 100 feet in width, located adjacent to and landward of the environmental features listed in subsections (a) through (c) above, and along both sides of any tributary stream.

(Code 1978, § 21.1-229.1)

Sec. 19-229. Resource management area boundaries.

Resource management areas consist of one or more of the following:

(a) One-hundred-year floodplains.

(b) Highly erodible soils, including steep slopes.

(c) Highly permeable soils.

(d) Nontidal wetlands not included in resource protection areas.

(e) Land areas a minimum of 100 feet in width that are located adjacent to and landward of every resource protection area.

(Code 1978, § 21.1-229.2)

Sec. 19-230. Chesapeake Bay preservation areas maps.

Chesapeake Bay preservation areas include resource protection areas and resource management areas. Subject to any adjustments by the director of environmental engineering pursuant to section 19-231, the boundaries of these areas are established on the Chesapeake Bay preservation areas maps, which are adopted by reference and which shall be kept on file in the director of environmental engineering's office. For purposes of the Chesapeake Bay Preservation Act, Code of Virginia, § 10.1-2100 et seq., and the regulations promulgated by the Chesapeake Bay Local Assistance Board, VR173-02-01, the resource protection areas created by this division

* State law references: Chesapeake Bay Preservation Act, Code of Virginia, § 10.1-2100 et seq.

are declared to be "resource protection areas" and the resource management areas created by this division are declared to be "resource management areas."

(Code 1978, § 21.1-229.3)

Sec. 19-231. Boundary adjustments.

(a) The director of environmental engineering may adjust the delineation of any resource protection area boundaries when an environmental site assessment prepared by a qualified expert indicates a need for change based on the environmental features listed in section 19-228(a) through (d). The environmental site assessment shall be drawn to scale and shall clearly delineate such environmental features. Wetlands delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

(b) The director of environmental engineering may adjust the delineation of any resource management area boundaries when an environmental site assessment prepared by a qualified expert indicates a need for such change based on the environmental features listed in section 19-229(a) through (e). The environmental site assessment shall be drawn to scale and shall clearly delineate such environmental features. Wetlands delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

(c) Any person aggrieved by the director of environmental engineering's decision concerning the boundaries of a resource protection area or a resource management area may appeal such decision in accordance with section 19-268(d).

(d) Boundary adjustments shall not be available to property that is undergoing redevelopment if, due to previous development of the property, the Chesapeake Bay preservation area features listed in section 19-228(a) through (d) or section 19-229(a) through (e) cannot be determined.

(Code 1978, § 21.1-229.4; Ord. of 1-8-97(2), § 1)

Sec. 19-232. Resource protection area regulations.

(a) *Allowable development*. Land development within a resource protection area shall only be permitted if it is water-dependent or constitutes redevelopment.

(1) A new or expanded water-dependent facility may be permitted, provided that:

a. It does not conflict with the comprehensive plan;

b. It complies with the performance criteria set forth in sections 19-232(b) and 19-233;

c. Any nonwater-dependent component is located outside any resource protection area; and

d. Access shall be provided with minimum disturbance necessary. If possible, a single point of access shall be provided.

(2) Redevelopment shall conform to applicable stormwater management criteria and erosion and sediment control criteria set forth in section 19-232(b), section 19-233 and chapter 8.

(b) *Conservation area*.

(1) A vegetated conservation area that retards runoff, prevents erosion and filters nonpoint source pollution from runoff shall be retained if present and shall be established in areas where it does not exist. The conservation area shall be located adjacent to and landward of the environmental features listed in section 19-228(a) through (d) and along both sides of any tributary stream. The vegetated conservation area shall extend a minimum of 100 feet in width from such environmental features and tributary streams. The full conservation area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. After considering a water quality impact assessment, the director of environmental engineering may approve a combination of a 50-foot or wider vegetative conservation area and appropriate best management practices located landward of the conservation area that collectively achieve water quality protection, pollutant removal and water resource conservation at least the equivalent of the full conservation area.

(2) The vegetated conservation area shall be maintained to meet the following additional performance standards:

a. In order to maintain the conservation area's functional value, indigenous vegetation may only be removed to provide for reasonable sight lines, pedestrian ways, general woodlot management and best management practices, as follows:

1. Trees may be pruned or removed if necessary to provide for sight lines and vistas. If trees are removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff.

2. Any pedestrian way shall be constructed and surfaced to effectively control erosion.

3. Dead, diseased or dying trees or shrubbery may be removed at the discretion of the landowner, and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist.

4. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed and

appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements.

b. When compliance with the conservation area requirements will result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, the director of planning or the planning commission may modify the conservation area's width at the time of subdivision, schematic, site plan or improvement sketch approval, in accordance with the director of environmental engineering's recommendation, based upon the following criteria:

1. Modifications to the conservation areas shall be the minimum necessary to achieve a reasonable building area for a principal structure and necessary utilities.

2. If possible, an area equal to the area encroaching into the conservation area shall be established elsewhere on the lot or parcel to maximize water quality protection.

3. In no case shall the reduced portion of the conservation area be less than 50 feet in width.

c. On agricultural lands, the conservation area shall be managed to prevent concentrated flows of surface water from breaching the conservation area and noxious weeds from invading the conservation area. The agricultural conservation area may be reduced as follows:

1. To a minimum width of 50 feet when the adjacent land is implementing a federal, state or locally funded agricultural best management practices program, provided that the combination of the reduced conservation area and the best management practices achieves water quality protection, pollutant removal and water resource conservation at least the equivalent of the full conservation area.

2. To a minimum width of 25 feet when a soil and water quality conservation plan, approved by the James River Soil and Water Conservation District, has been implemented on the adjacent land. Such plan shall be based on the Field Office Technical Guide of the U.S. Department of Agriculture Soil Conservation Service and accomplish water quality protection consistent with this division.

3. The conservation area is not required for drainage ditches associated with agricultural land if the adjacent agricultural land has in place best management practices in accordance with a conservation plan approved by the James River Soil and Water Conservation District.

(c) *Water quality impact assessment*.

(1) A water quality impact assessment shall be submitted to, and approved by, the director of environmental engineering for any proposed development within a resource protection area, including any conservation area modification or reduction authorized by section 19-232(b), and may be required by the director of environmental engineering for any other development in Chesapeake Bay preservation areas based on the site's unique characteristics or the intensity of the proposed use or development. There shall be two types of water quality impact assessments: a minor assessment and a major assessment.

a. *Minor water quality impact assessment*. A minor water quality impact assessment shall be required for a development or redevelopment which involves 2,500 square feet or less of land disturbance. The minor water quality impact assessment shall include:

(i) The location of the resource protection area;

(ii) The location and nature of proposed encroachments into the resource protection area;

(iii) Justification for any proposed encroachment;

(iv) Type and proposed location of any best management practice facilities; and

(v) Existing and proposed runoff outfalls from the property.

b. *Major water quality impact assessment*. A major water quality impact assessment shall be required for a development which exceeds 2,500 square feet of land disturbance. The major water quality impact assessment shall be prepared by a qualified expert and shall include:

(i) All information required for a minor water quality impact assessment;

(ii) The site's existing topography, soil characteristics, erosion potential and hydrology;

(iii) A description of impacts on wetlands and streams;

(iv) A description of measures to mitigate any identified impacts;

(v) A list of trees six inches or greater in diameter at breast height and of indigenous vegetation which is within 50 feet of the proposed land disturbance;

(vi) The limits of clearing and grading and proposed measures to preserve existing trees and indigenous vegetation;

(vii) Proposed plantings and other vegetative measures to enhance water quality and a proposed construction schedule; and

(viii) Other measures required by the director of engineering to ensure that the impact on water quality can be accurately predicted.

(Code 1978, § 21.1-229.5)

Sec. 19-233. Resource management area regulations.

Any use, development or redevelopment of land shall meet the following performance criteria:

(a) No more land shall be disturbed than is necessary to provide for the desired use or development.

(b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use or development allowed.

(c) Land development shall minimize impervious cover consistent with the use or development allowed.

(d) (1) Stormwater runoff shall be controlled to achieve the following:

a. For any new use or development, the post-development nonpoint-source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition of the county.

b. For redevelopment sites not currently served by water quality best management practices, the existing nonpoint-source pollution load shall be reduced by at least ten percent after redevelopment.

c. For redevelopment sites currently served by water quality best management practices, the post-development nonpoint-source pollution runoff load shall not exceed the existing load.

(2) The following stormwater management options shall be considered to comply with the requirements of subsection (d)(1):

a. Incorporation on the site of best management practices that achieve the required control.

b. Compliance with a locally adopted regional stormwater management program incorporating pro rata share payments

pursuant to the authority provided in Code of Virginia, § 15.2-2243, that achieves equivalent water quality protection.

c. Compliance with a state or locally implemented program of stormwater discharge permits pursuant to section 402(p) of the federal Clean Water Act, as set forth in 40 CFR 122, 123, 124 and 504, dated December 7, 1988, and as amended.

d. For a redevelopment site that is completely impervious as currently developed, restoring a minimum of 20 percent of the site to vegetated open space.

(3) Any maintenance, alteration, use or improvement to an existing structure which does not degrade the quality of surface water discharge, as determined by the director of environmental engineering, may be exempted from the requirements of this subsection. Any person aggrieved by a decision of the director of environmental engineering under this subsection may appeal such decision in accordance with the procedures provided in section 19-268(d).

(4) Compliance with the requirements of subsection (d)(1)a shall be determined by reference to total phosphorus loads in stormwater runoff. The post-development total phosphorus loads in stormwater runoff shall not exceed 0.45 pounds per acre per year.

(e) If the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a maintenance/easement agreement, commercial surety bond, bank letter of credit or other assurance satisfactory to the director of environmental engineering. If the best management practices utilized for a residential development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to $100.00 for each dwelling unit in a residential development. The requirement excludes apartment developments outside the Swift Creek Reservoir Watershed. The form of any bond or letter of credit provided pursuant to this section shall be subject to approval by the county attorney.

(f) Land on which agricultural activities are being conducted shall have a soil and water quality conservation plan approved by the James River Soil and Water Conservation District. Such plan shall be based upon the Field Office Technical Guide of the U.S. Farm Service Agency Soil Conservation Service and accomplish water quality protection consistent with this section.

(g) The director of environmental engineering may authorize the developer to use a retention or detention basin or alternative best management practice facility to achieve the performance criteria set forth in subsection (d).

(Code 1978, § 21.1-229.6; Ord. of 1-8-97(3), § 1; Ord. of 6-24-98, § 1; Ord. of 10-13-99, § 1; Ord. of 3-15-01, § 1; Ord. of 8-22-01, § 1)

Sec. 19-234. Exemptions.

(a) Construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law, Code of Virginia, §§ 10.1-560--10.1-571, or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board shall constitute compliance with this division's requirements.

(b) Construction, installation and maintenance of water, sewer and local gas lines shall be exempt from this division's requirements, provided that:

(1) To the degree possible, the location of such utilities and facilities should be outside resource protection areas.

(2) No more land than necessary shall be disturbed to provide for the desired utility installation.

(3) All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality.

(4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 and this division.

(c) Silvicultural activities shall be exempt from this division's requirements, provided that such activities adhere to water quality protection procedures prescribed by the department of forestry in its "Best Management Practices Handbook for Forestry Operations," as amended.

(d) The following land disturbances may be exempted from resource protection area regulations:

(1) Water wells;

(2) Passive recreation facilities such as boardwalks, trails, pathways and gazebos; and

(3) Historic preservation and archaeological activities; provided that the director of environmental engineering finds that:

a. Any required permits, except those to which this exemption specifically applies, shall have been issued;

b. Sufficient and reasonable proof is submitted that the intended use shall not deteriorate water quality;

c. The intended use does not conflict with nearby planned or approved uses; and

d. Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 and this division.

(e) Nonresidential uses which are located over 100 feet from and are not adjacent to R, R-MF or R-TH Districts or any property used for residential purposes, schools, child care centers, playgrounds, shopping centers, libraries, hospitals, public institutions or similar facilities shall be exempt from the provisions of sections 19-233(g)(2)a--e and (3)d.

(Code 1978, § 21.1-229.8)

Sec. 19-235. Exceptions.

(a) A written request for an exception to this division's requirements shall be made to the director of environmental engineering. It shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through the performance of a water quality impact assessment which complies with section 19-232(c), provided that in the case of an exception requested from the required safety measures, a water quality impact assessment shall not be required if the request is supported by documentation which demonstrates that the request will not be detrimental to public safety and welfare.

(b) The director of environmental engineering shall review the exception request and the water quality impact assessment, if required. In making a determination, he may impose conditions or require alternatives that are necessary to protect water quality, protect the public safety and welfare and further the purpose and intent of this division. He may grant the exception if he finds all of the following:

(1) Granting the exception shall not confer any special privileges upon the applicant that are denied by this division to other property owners in resource protection areas or resource management areas.

(2) The exception request is not based on conditions or circumstances that are self-created or self-imposed.

(3) The exception request is the minimum necessary to afford relief.

(4) The exception request will be consistent with the purpose and intent of this division and not injurious to the neighborhood or otherwise detrimental to public safety and welfare.

(5) The request is being made because of the particular physical surroundings, use, shape or topographical conditions of the specific property involved or property adjacent to or within 100 feet of the subject property, or a particular hardship to the owner will occur, as distinguished from a mere inconvenience, if the strict letter of this chapter is carried out.

(c) Any person aggrieved by the director of environmental engineering's decision concerning an exception request may appeal the decision in accordance with section 19-268.

(Code 1978, § 21.1-229.9)

Sec. 19-236. Other exceptions.

(1) In addition to the requirements of this chapter, no use which is nonconforming to the requirements of this division, in a Chesapeake Bay preservation area, shall be enlarged, extended, reconstructed, substituted or structurally altered unless the director of environmental engineering grants an exception pursuant to section 19-235, and also finds that:

a. There will be no net increase in the nonpoint source pollution load; and

b. Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of chapter 8 and division 4 of article IV of this chapter.

DIVISION 5. UPPER SWIFT CREEK WATERSHED

Sec. 19-237. Upper Swift Creek watershed.

The Upper Swift Creek watershed consists of all land in the county located upstream of the Swift Creek Reservoir Dam.

(Code 1978, § 21.1-229.10)

Sec. 19-238. Development regulations.

Any use, development or redevelopment of land in the Upper Swift Creek Watershed shall meet the following performance criteria:

(a) No more land shall be disturbed than is necessary to provide for the desired use or development;

(b) Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use or development allowed;

(c) Land development shall minimize impervious cover consistent with the use or development allowed;

(d) (1) Stormwater runoff shall be controlled to achieve the following:

a. For any new use or development, the post-development, nonpoint-source pollution runoff loads of phosphorous and lead shall not exceed the following:

(i) Phosphorus:

1. The post-development total phosphorus load for residential uses located in areas identified in the Midlothian Area Community Plan for low density residential (1.01 to 2.0 units per acre), in the Route 288 Corridor Plan for Residential (1 to 2.0 dwellings per acre), and in the Upper Swift Creek Plan for single family residential: (2.0 units/acre or less) shall not exceed 0.22 pounds per acre per year.

2. The post-development total phosphorus load for all other uses shall not exceed 0.45 pounds per acre per year.

(ii) Lead:

1. The post-development total lead load for nonresidential uses and residential uses at a density greater than 2.0 units per acre located in areas identified for such uses in the comprehensive plan shall not exceed 0.19 pounds per acre per year.

2. The post-development total lead load for all other uses shall not exceed 0.03 pounds per acre per year.

b. For redevelopment sites not currently served by water quality best management practices, the existing nonpoint-source pollution runoff loads of phosphorus and lead shall be reduced by at least ten percent after redevelopment; however, the loads of such elements need not be reduced below the levels set forth in subsection (d)(1)a.

c. For redevelopment sites currently served by water quality best management practices, the post-development, nonpoint-source pollution runoff loads of phosphorus and lead shall not exceed the existing loads or the loads set forth in subsection (d)(1)a, whichever are greater.

(2) The following stormwater management options shall be considered to comply with the requirements of subsection (d)(1):

a. Incorporation on the site of best management practices that achieve the required control.

b. Compliance with a locally adopted regional stormwater management program incorporating pro rata share payments pursuant to the authority provided in Code of Virginia, § 15.2-2243, that achieves equivalent water quality protection.

c. Compliance with a state or locally implemented program of stormwater discharge permits pursuant to section 402(p) of the federal Clean Water Act, as set forth in 40 CFR 122, 123, 124 and 504, dated December 7, 1988.

d. For a redevelopment site that is completely impervious as currently developed, restoring a minimum of 20 percent of the site to vegetated open space.

(3) Any maintenance, alteration, use or improvement to an existing structure which does not degrade the quality of surface water discharge, as determined by the director of environmental engineering, may be exempted from the requirements of this section.

(e) If the best management practices that are used require regular or periodic maintenance in order to continue their functions, maintenance shall be ensured by a maintenance/easement agreement, bond or other assurance satisfactory to the director of environmental engineering; and

(f) Land on which agricultural activities are being conducted shall have a soil and water quality conservation plan approved by the James River Soil and Water Conservation District. Such plan shall be based on the Field Office Technical Guide of the U.S. Farm Service Agency Soil Conservation Service and accomplish water quality protection consistent with this section.

(Code 1978, § 21.1-229.11; Ord. of 1-8-97(1); Ord. of 8-25-97, § 1; Ord. of 10-13-99, § 1; Ord. of 3-15-00, § 1)

Sec. 19-238.5. Boundary adjustments.

(a) Boundary adjustments, as provided for in section 19-231, shall not be permitted in the Upper Swift Creek watershed. The director of environmental engineering shall not grant an exception to this provision, provided, however, that an applicant may seek relief from this provision pursuant to section 19-19.

(Ord. of 1-8-97(4)

Sec. 19-239. Exemptions.

(a) Construction, installation, operation and maintenance of electric, gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law, Code of Virginia, § 10.1-560 et seq., or an erosion and sediment control plan approved by the Virginia Soil and Water Conservation Board shall constitute compliance with this division's requirements.

(b) Construction, installation and maintenance of water, sewer and local gas lines shall be exempt from this division's requirements, provided that:

(1) No more land than necessary shall be disturbed to provide for the desired utility installation;

(2) All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and local requirements and permits and designed and conducted in a manner that protects water quality; and

(3) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of chapter 8 and this division.

(c) Silvicultural activities shall be exempt from this division's requirements, provided that such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in its "Best Management Practices Handbook for Forestry Operations," as amended.

(Code 1978, § 21.1-229.13)

Sec. 19-240. Exceptions.

(a) A written request for an exception to this division's requirements shall be made to the director of environmental engineering. It shall be accompanied by a water quality impact assessment identifying the impact of the proposed exception on such aspects as water quality and lands within the Upper Swift Creek watershed.

(b) The director of environmental engineering shall review the exception request and the water quality impact assessment. In making a determination, he may impose conditions or require alternatives that are necessary to protect water quality, protect the public safety and welfare and further the purpose and intent of this division. He may grant the exception if he finds all of the following:

(1) Granting the exception shall not confer any special privileges upon the applicant that are denied by this division to other property owners in the Upper Swift Creek watershed.

(2) The exception request is not based on conditions or circumstances that are self-created or self-imposed.

(3) The exception request is the minimum necessary to afford relief.

(4) The exception request will be consistent with the purpose and intent of this division and not injurious to the neighborhood or otherwise detrimental to the public safety and welfare.

(5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

(c) Any person aggrieved by the director of environmental engineering's decision concerning an exception request may appeal the decision in accordance with section 19-268.

(Code 1978, § 21.1-229.14; Ord. of 6-24-98, § 1)

DIVISION 6. STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICE BASINS

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

All basins required by the director of environmental engineering as either a stormwater management facility or a Best Management Practice for water quality improvement or designed as a retention or detention facility for any new development or redevelopment of property shall conform to the following criteria:

(1) *Safety criteria*.

a. Outflow device safety measures.

1. If a vertical sided weir box is located within the basin's embankment, a six-foot fence or dense vegetative barrier, or a combination thereof, shall be installed as prescribed by the director of environmental engineering. If a dense vegetative barrier is used, it shall be designed and installed in accordance with professionally accepted landscaping practices and procedures. Plans for the vegetative barrier, including the size and description of proposed plant materials, shall be approved by the director of environmental engineering. The dense vegetative barrier shall be a minimum of six feet in width. If a fence or vegetative barrier is to be established around the entire basin facility in accordance with subsection (1)(b), then no barrier or fence is required around the weir box. If a developer uses a concrete weir for either the principal or emergency spillway and the concrete weir is greater than three feet in depth, a pedestrian crossing or access structure shall be established across the weir. A fence or vegetative barrier, or combination thereof, may be substituted if the pedestrian crossing is not practicable.

b. Basin safety measures and dimensions.

1. The following safety measures shall be required for that portion of each basin which has a side slope above the normal water surface which is steeper than 6:1 over a horizontal distance of 20 feet or more.

i. If the basin averages four feet or less in depth and one acre or less in surface area, then one of the following safety measures shall be used:

A. A safety bench, or

B. A fence which surrounds the basin.

ii. If the retention basin averages more than four feet in depth or more than one acre in surface area, then one of the following safety measures shall be used:

A. Both a safety bench and an aquatic bench, or

B. A fence which surrounds the basin.

2. If a safety bench is used, it shall be provided at the toe of the slope of the basin and shall be a minimum of 10 feet wide. The slope across the bench shall be no greater than 10:1.

3. If an aquatic bench is used, it shall be placed around the perimeter of the permanent pool at the normal water surface elevation and shall be no greater than 12 inches in depth and at least six feet in width.

4. If a fence is used, the minimum height of the fence shall be six feet. The fence may be made of a dense vegetative barrier. If the fence is made of a vegetative barrier, it shall be designed and installed in accordance with professionally accepted landscaping practices and procedures. Plans for the vegetative barrier, including the size and description of proposed plant materials, shall be approved by the director of environmental engineering. If a vegetative barrier is used, the property owner or developer shall provide to the county a form of surety for the cost of materials and installation for the proposed plant materials. Provisions for maintenance of and access to the fence or vegetative barrier shall be included in the best management practice easement dedication.

5. If a basin is located within 100 feet of any dwelling unit, school, child care center, playground, shopping center, library, hospital, public institution, pedestrian way or similar facility, the director of environmental engineering may, at his discretion, require fencing designed to protect the public safety.

6. Side slopes. The side slopes above the normal water surface elevation in basins shall be no steeper than 3:1 (horizontal to vertical). If the excavation of the slope to 3:1 will result in the removal of dense vegetation or woodland which is acting to stabilize the slope, the developer may seek an exception from the director of environmental engineering pursuant to the provisions of section 19-235 to leave the slope in its existing condition.

(2) *Perimeter yards*. Basins on property located in an R, R-MF or R-TH district or upon any other property used for residential purposes, schools, child care centers,

playgrounds, or within residential subdivisions shall be enclosed by a minimum of a 50-foot vegetative perimeter yard around the basin, measured from the 100-year water surface elevation or the downstream toe of the dam, whichever applies. All basins located within 100 feet of the above described uses and any pedestrian access ways (i.e. sidewalks, bicycle paths, walkways) shall be separated from such uses by a minimum of a 50-foot vegetative perimeter yard measured from the 100-year water surface elevation or the downstream toe of the dam, whichever applies. Except as modified by the planning commission through the site plan process or the board of supervisors through the zoning process, retention or detention basins shall not be located within a buffer required by the zoning ordinance or zoning conditions. The perimeter yard shall be designed to provide a horizontal distance and vegetated open space between the basin and the above listed uses.

(Ord. of 6-24-98, § 2)

Sec. 19-242. Minimum criteria for basins serving as a best management practice for water quality improvement.

(a) *Depth*. Basins sized solely as best management practice facilities in conformance with the Chesapeake Bay Preservation Act shall have a range in depth of three to eight feet to prevent stratification. For those basins which have been designed with sections which exceed eight feet in depth, only those portions which are less than eight feet in depth shall be included as part of the best management practice facility volume. Basins which are less than one acre in surface area shall not exceed eight feet in depth.

(b) *Length to width ratio*. The distance between the inflow and outflow points in basins shall be a minimum of 3:1, length to width ratio. If the director of environmental engineering determines that the site conditions do not allow for this ratio, a 2:1 length to width ratio shall be provided. The length is defined as the flow path from inflow point to outflow point, and is to be calculated as prescribed by the most recent edition of the Virginia Erosion and Sediment Control Handbook. If the director of environmental engineering determines that site conditions preclude achieving a 2:1 ratio, the use of baffles or another means of lengthening the flow path shall be required.

(c) *Placement of the pond inlet*. If the inlet pipe(s) are submerged, there shall be a minimum of three feet from the invert-out of the pipe to the bottom of the pond. If this distance cannot be achieved due to the depth of the permanent pool, then a sediment forebay shall be excavated to obtain a depth of three feet.

(Ord. of 6-24-98, § 2)

Sec. 19-243. Exemption and exceptions.

Any applicant may seek an exception from the requirements of this division pursuant to section 19-235 and section 19-236. In addition, the exemptions contained in section 19-234 shall apply to this division.

(Ord. of 6-24-98, § 2)

Secs. 19-244--19-260. Reserved.

ARTICLE V. SCHEMATIC PLANS, SITE PLANS AND IMPROVEMENT SKETCHES

DIVISION 1. SCHEMATIC PLANS

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 tentative subdivision approval, the schematic plan shall be approved by the planning commission.

(b) Schematic 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 the horizontal layout of the project based on a metes and bounds survey; a general list of uses; density; conceptual landscaping plans; cross-sections of any required buffers; and if deemed necessary by the director of transportation, a traffic impact analysis.

(c) The planning commission shall review schematic plans to ensure compliance with this article's requirements, zoning conditions, and the goals and policies of the comprehensive plan; to ensure land use compatibility and transition; and to mitigate any adverse impact on public health, safety and welfare. The planning commission may impose conditions to accomplish these purposes. Any person aggrieved by the planning commission's decision on a schematic plan may appeal such decision in conformity with section 19-269(e).

(d) The director of planning shall post a notice of the schematic plan hearing in accordance with section 19-26(b).

(e) The director of planning shall send written notice of schematic plan submission to adjacent property owners by registered, certified or first class mail as soon after schematic plan submission as practicable, but in no event less than 21 days prior to approval or disapproval of the schematic plan. If such written notice is sent by first class mail, the director of planning shall make affidavit that such notice has been sent and shall file the affidavit with the application.

(Code 1978, § 21.1-271)

DIVISION 2. SITE PLANS

Sec. 19-262. Uses exempt from the site plan process.

The following uses shall be exempt from the site plan process:

(a) Temporary construction trailers when located on construction sites and removed at the completion of construction;

(b) Temporary modular classrooms used by public or private schools for no longer than one year. At the expiration of one year from the date of initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process;

(c) Temporary modular offices used for no longer than one year. At the expiration of one year from the date of initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process;

(d) Tents used for no longer than one month. At the expiration of one month from the date of initial occupancy, the owner shall either discontinue the use or the use shall no longer be exempt from the site plan process;

(e) Storage buildings which are less than 2,500 square feet in area;

(f) Freestanding canopies used to cover entryways, sidewalks and similar features;

(g) Improvements to tenant space within a shell building which do not accommodate a change to the building's use;

(h) Repairs of a general nature to existing structures; and

(i) Any use involving a building addition and/or land area less than 2,500 square feet in area.

(Code 1978, § 21.1-271.1)

Sec. 19-263. Uses requiring site plan approval.

The following uses require a site plan when they require a building permit or involve a land area greater than 2,500 square feet:

(a) Nonresidential uses, including, but not limited to, churches, schools or colleges, hospitals, nursing homes, institutional buildings, public buildings, parks and playgrounds;

(b) Any land use or development in multifamily residential, mobile home park, office, business and industrial districts; and

(c) Any nonresidential land use permitted by right in any district.

(Code 1978, § 21.1-272)

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

(a) Site plans, or any portion thereof except landscape plans, shall be certified by a state registered engineer, landscape architect, architect or land surveyor as allowed by state code. Landscape plans shall be prepared by a state registered landscape architect, nurseryman, or landscape designer.

(b) Requests for site plan review and approval shall be accompanied by the following:

(1) A completed application form;

(2) Copies, as required by the director of planning;

(3) A request by the applicant to use either the administrative site plan review process or the planning commission site plan review process. In addition, if the applicant meets the eligibility criteria set forth in section 19-266, it may use the minor site plan review process;

(4) Required fees; and

(5) Copies of all commission and board minutes relating to zoning and development of the property; the number of required copies shall be determined by the director of planning.

(c) Every site plan shall be prepared in accordance with this article's requirements and in the following manner:

(1) A site plan may be prepared in one or more sheets to show the information required by this article, to facilitate review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the sheets join and each sheet shall contain an overall sketch plan showing the relationship of improvements on each sheet;

(2) A master site plan that depicts proposed improvements shall be submitted for review by the director of planning for projects that will be constructed in phases. The master site plan shall be prepared with sufficient detail to determine the design compatibility of future improvements to avoid future design conflict and to verify general compliance with the county's development standards. Under no circumstances shall projected phasing information be deemed to be binding or unalterable nor shall the review of a master site plan vest any rights to develop future phases of the project unless those phases are included in an approved site plan. A master site plan shall not be used to satisfy this article's site plan requirements. No review fee shall be required for master site plans submitted in conjunction with any other site plan submittal; and

(3) Using legible blue- or black-line copies.

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

(1) The land use;

(2) Parking areas and driveways, including the length, width and number of parking spaces and the width of driveways;

(3) Recreation or open spaces;

(4) The name and location of the development;

(5) The boundary of the entire tract by courses and distances, including two points connected to the Virginia Coordinate System of 1983 (NAD83);

(6) The area and present zoning of the tract;

(7) The names, addresses, telephone numbers and facsimile numbers of the owner or owners of record of the tract and the applicant;

(8) The owner, zoning and present use of all contiguous or abutting property;

(9) The date, scale, north point and number of sheets. Scale shall be one inch equals 100 feet or larger for all plan sheets showing buildings or building lots, and at least one inch equals 600 feet on plan sheets showing no buildings or building lots;

(10) A vicinity sketch;

(11) All building restriction lines, highway setback lines, utility easements, covenants, reservations and existing, as well as ultimate, rights-of-way, as shown on the comprehensive plan;

(12) Existing and finished topography with a maximum of one-foot contour intervals. Plans depicting any off-site drainage areas shall show off-site topography with a maximum of five-foot contour intervals;

(13) The name, address, telephone number and facsimile number of the person preparing the plan;

(14) Storm drainage systems and natural and artificial watercourses;

(15) All existing improvements, excluding privately owned and underground utilities and the like;

(16) The limit of any established 100-year floodplains;

(17) All sidewalks, streets, alleys and easements;

(18) All buildings and structures, including architectural elevations/renderings, distances between buildings, number of stories, area in gross square feet of each floor, number of dwelling units or guest rooms, building height, and location and size of the required street address sign;

(19) Driveways, entrances, exits, parking areas and on- and off-street loading spaces including number of parking spaces, handicapped parking spaces and loading spaces and pavement design detail;

(20) Public sanitary waste water systems;

(21) Public water mains and fire hydrants;

(22) Gas, power and telephone lines, utility company owned or operated, including proposed extensions of lines;

(23) Slopes, terraces, retaining walls, fencing and screening within the required yards and the location of existing trees within yard or setback areas;

(24) Plans for collecting and depositing stormwater in accordance with the requirements of the environmental engineering department and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any, as created or enlarged by the proposed development;

(25) Conceptual outdoor lighting, provided detailed plans are approved prior to installation;

(26) Conceptual landscaping, provided detailed plans are approved prior to installation;

(27) Graves, objects or structures marking places of burial;

(28) Chesapeake Bay preservation areas;

(29) Upper Swift Creek watershed areas;

(30) The location and number of solid waste storage areas and detail of the solid waste storage area pad and screening; and

(31) Any other feature of the development which is required by this chapter to be shown on a site plan.

(e) The director of planning shall review site plans for completeness and compliance with adopted plans or established administrative requirements prior to forwarding copies to other reviewing agencies or officials.

(f) After site plan approval other than minor site plan and improvement sketches and prior to the issuance of a land disturbance permit, the property owner or his agent shall deliver to the director of environmental engineering in electronic format such as DXF for AutoCADD, or other electronic format acceptable to the director, the following information: (i) proposed contours for the approved site plan, (ii) boundaries of all impervious areas for the approved site plan and (iii) delineation of storm sewer lines and associated structures for the approved site plan. In lieu of the foregoing, the property owner or his agent may submit the required information in a non-electronic format upon payment to the environmental engineering department of the fee stated in § 19-279 to reimburse the county's costs of transferring the information to the required electronic format.

(Code 1978, § 21.1-273; Ord. of 6-24-98, § 1)

Sec. 19-265. Site plan processing.

(a) At the time a site plan is submitted, the applicant shall elect whether to seek approval under the minor site plan review process, set forth in section 19-267, the administrative site plan review process set forth in section 19-268 or the planning commission site plan review process set forth in section 19-269. If the applicant fails to make a selection, his application will be processed under the administrative site plan review process unless a condition of zoning approval requires the site plan to be submitted to the planning commission.

(b) The director of planning shall send written notice of site plan submission to adjacent property owners by registered, certified or first class mail as soon after site plan submission as practicable, but in no event less than ten days prior to approval or disapproval of the site plan. The minimum period for site plan approval shall be extended to 21 days when an aggrieved person, as defined by section 19-268.1, files a written request with the planning department within ten days after written notice is sent. If such written notice is sent by first class mail, the director of planning shall make affidavit that such notice has been sent and shall file the affidavit with the application. This subsection shall not be applicable to those site plans which are approved pursuant to the minor site plan review process.

(Code 1978, § 21.1-274; Ord. of 4-10-02, § 1)

Sec. 19-266. Uses eligible for the minor site plan review process.

The director of planning may approve site plans through the minor site plan review process in accordance with recommendations by other departments, as necessary, if the following conditions are met:

(a) The proposed building addition or land disturbed is between 2,500 and 10,000 square feet;

(b) Main water and/or sewer extensions are not required;

(c) Industrial uses have independent water supplies sufficient for fire suppression;

(d) All requisite reviews by the Virginia Department of Transportation can be performed by residency office staff;

(e) The use is not located adjacent to property zoned R, R-TH or R-MF or occupied by a residence unless such adjacent property owners are notified by the applicant by registered mail, return receipt requested, of the proposed minor site plan. The director of planning may approve such plan no sooner than 15 days after the applicant sends all requirednotifications by registered mail;

(f) The site plan shall not contain substantial access changes, road improvements or internal traffic circulation changes;

(g) Required buffers are not affected by proposed improvements or do not require substantial modification;

(h) Drainage improvements do not require dedication of easements to the county; and

(i) The site complies with Chesapeake Bay regulations, either by opting out of the Chesapeake Bay requirements, conforming by use of an existing BMP or by achieving reduced imperviousness.

(Code 1978, § 21.1-274.1; Ord. of 4-10-02, § 1)

Sec. 19-267. Minor site plan review process.

(a) The applicant shall submit a preliminary site plan to the director of planning for a determination of eligibility for the minor site plan review process.

(b) If the site plan meets the criteria set forth in sections 19-264(d) and 19-266 it shall be forwarded to other departments within the county for review, as necessary. In the event the proposed site plan does not meet the eligibility requirements for the minor site plan review process, the applicant shall be advised to elect between the administrative site plan review process set forth in section 19-268 or the planning commission site plan review process set forth in section 19-269.

(c) Upon approval, the applicant shall be provided two copies of the approved site plan and shall be required to maintain one copy on the site at all times.

(d) If the site plan is approved pursuant to this section, the applicant shall not be required to pay site plan or erosion and sediment control fees.

(e) The director of planning shall approve or disapprove a site plan pursuant to this section in accordance with the reviewing authorities' recommendations. He shall notify the applicant of his decision to approve or disapprove the site plan no sooner than 15 days after the applicant sends all notifications required by section 19-266(e) by registered mail. If the director of planning fails to approve or disapprove the site plan within 60 days after it has been officially submitted for approval, the applicant, after ten days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should or should not be approved.

(f) If the applicant disagrees with the director of planning's final decision, he may file a written appeal with the planning commission within 15 days of that decision. The commission shall fix a reasonable time for hearing of the appeal and decide the same within 60 days. The commission may affirm, modify or reverse the decision. Until the planning commission renders a decision, the director of planning shall not approve the site plan or a building permit for any construction that could be affected by the appeal.

(g) Persons with an interest in property adjacent to the site and zoned R, R-TH, R-MF or occupied by a residence may file a written appeal within 15 days of the decision. Appeals must relate to matters specified in § 19-268(d). The commission shall fix a reasonable time for hearing the appeal and decide the same within 60 days of the applicant's site plan submission.

The commission may affirm, modify or reverse the decision. Until the planning commission renders a decision, neither a building permit nor a land disturbance permit shall be issued for any construction that could be affected by the appeal. In addition, the director of planning shall issue a stop work order to the applicant instructing the applicant to cease any construction that could be affected by the appeal.

(Code 1978, § 21.1-274.2; Ord. of 4-10-02, § 1)

Sec. 19-268. Administrative site plan review process.

(a) All site plans which are properly submitted for administrative review in accordance with the county's site plan application and checklist shall be reviewed and recommended for approval or denial by:

(1) The director of planning relative to:

a. Compliance with the requirements of this chapter, including, but not limited to, setbacks, side and rear yards, building height, lot area and lot coverage, fencing, screening, landscaping, lighting, architectural design, pedestrian access and conditions of zoning approval.

b. Location, design and adequacy of automobile parking as to number of spaces, and square footage per space, including movement lanes and total area.

(2) The director of transportation relative to:

a. Location and design of vehicular entrances and exits in relation to streets giving access to the site.

b. Adequate provision for internal and external traffic circulation, including, but not limited to, access to adjoining property, traffic-control devices and speed control devices.

(3) The Virginia Department of Transportation engineer relative to highway matters.

(4) The director of environmental engineering relative to:

a. Adequacy of drainage and erosion control measures.

b. Flood protection.

c. Compliance with applicable established design criteria, construction standards and specifications for all required public road and drainage improvements.

d. Compliance with the regulations and requirements of the Chesapeake Bay preservation areas, Upper Swift Creek watershed areas and floodplain districts.

(5) The director of utilities relative to:

a. Adequacy of water supply and sanitary wastewater facilities.

b. Compliance with applicable established design criteria, construction standards and specifications for all required public water and wastewater improvements.

(6) The building official relative to fire protection and compliance with the provisions of the county fire prevention code and the Uniform Statewide Building Code.

(7) The director of health relative to private wastewater and water systems.

(8) The chief of police relative to police protection and county safety codes.

(b) The director of planning shall post a sign notifying the public of site plan submission for administrative review as soon as practicable, but in no event less than ten days prior to approval or disapproval of the site plan. The minimum period for site plan approval shall be extended to 21 days when an aggrieved person, as defined by section 19-268.1, files a written request with the planning department within ten days after the sign has been posted. Such posting shall be performed in the same manner required for public hearings described in section 19-26(b)(1) and (2).

(c) The director of planning shall approve or disapprove site plans in writing, giving specific reasons in accordance with the reviewing authorities' recommendations. He shall notify the applicant of his decision to approve or disapprove the site plan within 30 days of the date of submission of the plan, if practicable. If the director of planning fails to approve or disapprove the site plan within 60 days after it has been officially submitted for approval, the applicant, after ten days' written notice to the director of planning, may petition the circuit court to decide whether the site plan should or should not be approved.

(d) If the applicant disagrees with the final decision of the director of planning, he may file a written appeal with the planning commission within 15 days of that decision. In addition, any aggrieved person may file a written appeal of the final decision of the director of planning with the planning commission within 15 days of that decision. The appeal must explain how the site plan will adversely affect the person and is limited to the following matters:

(1) Designation of Chesapeake Bay Preservation areas;

(2) Access and internal circulation;

(3) Improvement sketch processing;

(4) Location of water and sewer lines;

(5) Buffers and screening;

(6) Land use transitions;

(7) Drainage;

(8) Conditions of zoning approval;

(9) Architectural treatment;

(10) Development features affecting public safety; or

(11) Development features affecting nearby residential areas.

The commission shall fix a reasonable time for hearing the appeal and decide the same within 60 days of the applicant's site plan submission. The commission may affirm, modify or reverse the decision. Until the planning commission renders a decision, neither a building permit nor a land disturbance permit shall be issued for any construction that could be affected by the appeal. In addition, the director of planning shall issue a stop work order to the applicant instructing the applicant to cease any construction that could be affected by the appeal.

(Code 1978, § 21.1-275; Ord. of 4-10-02, § 1)

State law references: Plat and site plan approval, Code of Virginia, § 15.2-2258.

Sec. 19-268.1. Qualification as "aggrieved person".

A person is "aggrieved" for the purpose of appealing an administratively approved site plan only if:

(1) They are an owner or lessee of property adjacent to the site; or

(2) They are an owner or lessee of property nearby the site who will be adversely affected by the approval of the site plan in an immediate and substantial manner not shared by the public generally. For public facilities, aggrieved shall mean any county citizen who would be reasonably calculated to use such facility.

A person shall not be considered adversely affected for purposes of this section by any personal financial hardship anticipated as a result of business competition associated with the proposed use.

(Ord. of 4-10-02, § 1)

Sec. 19-269. Planning commission site plan review process.

All site plans which are properly submitted for planning commission review in accordance with the county's site plan application and checklist shall be reviewed and approved or denied as follows:

(a) The appropriate departments and/or agencies shall review and make recommendations as outlined in section 19-268(a).

(b) The director of planning shall post a notice of the site plan public meeting in accordance with section 19-26(b).

(c) The director of planning shall submit recommendations to the planning commission. The planning commission shall approve, with or without conditions,

or disapprove the site plan in writing, giving specific reasons in accordance with the reviewing authorities' recommendations.

(d) If the planning commission fails to approve or disapprove the proposed site plan within 60 days after it has been officially submitted for approval, the applicant, after ten days' notice to the commission, may petition the circuit court to decide whether the site plan should or should not be approved.

(e) If the applicant disagrees with the final decision of the planning commission, he may file a written appeal with the circuit court within 60 days of that decision. In addition, any aggrieved person may contest the planning commission's final decision if permitted by state law.

(Code 1978, § 21.1-276; Ord. of 4-10-02, § 1)

State law references: Plat and site plan approval, Code of Virginia, § 15.2-2258.

Sec. 19-270. Site plan approval.

(a) An approved site plan shall become null and void if no significant work is done or development is made on the site within five years after final site plan approval.

(b) There shall be no clearing or grading of any site without approval of a grading and/or erosion and sediment control plan by the director of planning and the director of environmental engineering. Construction or development may begin upon approval of the site plan by the director of planning and of building permits by the building official.

(c)(1) Prior to expiration of an approved site plan, the subdivider or developer may request and the director of planning may grant one or more extensions of such approval for additional periods as the director may determine to be reasonable, taking into consideration the size and phasing of the proposed development and the laws, ordinances and regulations in effect at the time of the request.

(2) If the director of planning denies an extension request, the applicant may file a written appeal with the planning commission within 15 days of the denial. The commission shall fix a reasonable time for hearing the appeal and decide the same within 60 days. The commission may affirm, modify or reverse the decision.

(Code 1978, § 21.1-277; Ord. of 4-10-02, § 1)

State law references: Plats and site plans, Code of Virginia, § 15.2-2258.

Sec. 19-271. Adjustments in approved site plan.

After a site plan has been approved, minor adjustments to the site plan which comply with the purposes of this article and other provisions of this chapter, with the intent of the approving bodies in their approval of site plans, and with the general purpose of the

comprehensive plan for development of the area may be approved by the director of planning with concurrence of the reviewing authorities concerned.

However, this administrative adjustment process is not available for changes that were involved in an appeal or were made as part of an agreement with an adjacent property owner or that relate to a condition of zoning requiring planning commission review and approval. Deviation from an approved site plan without the written approval of the director of planning shall void the plan and the director of planning shall require the applicant to submit a new site plan for consideration.

(Code 1978, § 21.1-278; Ord. of 4-10-02, § 1)

Sec. 19-272. Construction to be in accordance with site plan; prerequisite to issuing permit.

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

(b) No building permit shall be issued to construct, erect or alter any building or structure or develop or improve any land which is subject to the provisions of this article, until a site plan has been submitted and approved.

(Code 1978, § 21.1-279)

DIVISION 3. IMPROVEMENT SKETCHES

Sec. 19-273. Uses requiring improvement sketch approval.

An improvement sketch shall be submitted and approved for any use in a Chesapeake Bay preservation area which exceeds 2,500 square feet of land disturbance and for which neither site plan nor subdivision approval is required.

(Code 1978, § 21.1-279.1)

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

(a) Requests for improvement sketch review and approval shall be accompanied by:

(1) The applicant's certification that he will perform the measures included on the improvement sketch; and

(2) Copies of the improvement sketch, as required by the director of environmental engineering.

For any land use or development described in section 19-273 requiring a building permit, the building permit application shall be accompanied by an improvement sketch for review and approval. The applicant's signature on the building permit application shall constitute his

certification that he will perform the measures included on the approved improvement sketch. For any other land use or development, the improvement sketch shall be submitted directly to the department of environmental engineering for review and approval.

(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.

(1) The boundary of the entire tract by metes and bounds;

(2) Parking areas and driveways;

(3) Recreation areas and open space;

(4) The area of the entire tract and impervious areas;

(5) Building restrictions lines including Chesapeake Bay preservation areas, existing and proposed utility easements and required setbacks;

(6) Existing and finished topography with a maximum of five-foot contour intervals;

(7) Storm drainage systems including natural and artificial watercourses;

(8) All existing and/or proposed improvements, including wells and primary and secondary drainfields;

(9) The limits of any established 100-year floodplains;

(10) All buildings and structures;

(11) The limits of land disturbance;

(12) All erosion control measures;

(13) Pollutant removal requirement calculations; and

(14) Best management practices satisfying pollutant loading requirements.

(c) The director of environmental engineering shall review the improvement sketch for general completeness and compliance with the regulations and requirements of the Chesapeake Bay preservation area division.

(Code 1978, § 21.1-279.2)

Sec. 19-275. Improvement sketch processing.

(a) The director of environmental engineering shall approve or disapprove an improvement sketch in accordance with the regulations and requirements of the Chesapeake Bay preservation area division within 30 days of the improvement sketch's submission date, if

practicable. Such approval or disapproval by the director of environmental engineering may include approval or disapproval of the building permit application.

(b) Any person aggrieved by the director of environmental engineering's decision approving or disapproving an improvement sketch may appeal such decision in accordance with section 19-268.

(Code 1978, § 21.1-279.3)

Sec. 19-276. Period of improvement sketch validity.

An approved improvement sketch shall become null and void if no significant work is done or development is made on the site within six months after final approval. There shall be no clearing or grading of any site without approval of an improvement sketch by the director of environmental engineering.

(Code 1978, § 21.1-279.4)

Sec. 19-277. Minor or major adjustment in approved improvement sketch.

(a) After an improvement sketch has been approved, minor adjustments to the sketch which comply with the purpose of this division and other provisions of this chapter may be approved by the director of environmental engineering. Deviation from an approved improvement sketch without the director of environmental engineering's written approval shall void the sketch and the applicant shall be required to submit a new improvement sketch.

(b) Any major revision to an approved improvement sketch shall be made in the same manner as originally approved. For these revisions, the director of environmental engineering may waive any requirements of this division that he finds to be unnecessary to insure compliance with this division's requirements.

(Code 1978, § 21.1-279.5)

Sec. 19-278. Development to be in accordance with improvement sketch; prerequisite to issuing building permit.

(a) It shall be unlawful for any person to develop, change or improve any land or construct, erect or structurally alter any building or structure for which an improvement sketch is required, except in accordance with an approved improvement sketch.

(b) No building permit shall be issued to construct, erect or structurally alter any building or structure that is subject to the provisions of this division until an improvement sketch has been submitted and approved.

(Code 1978, § 21.1-279.6)

DIVISION 4. FEES

Sec. 19-279. Fees.

In addition to any other fees required by the county, fees shall be payable to the county treasurer and submitted to the planning department upon filing as follows:

(a) Site plan:

(1) Original submittal for non-residential uses, including up to two resubmittals . . . $860.00

Plus, per acre . . . 60.00

(2) Third and subsequent resubmittals for non-residential uses, per resubmittal . . . 290.00

(3) Adjustment to approved site plan for non-residential uses, per submittal or resubmittal . . . 290.00

(4) No business located within an enterprise zone designated by the Commonwealth of Virginia shall be required to pay any of the fees described in subsections (a)(1) through (a)(3) above. This exemption shall continue for the life of the enterprise zone.[1]

[1]The fee exemption for the Jefferson Davis Highway Enterprise Zone expires on December 31, 2014. The fee exemption for the Walthall Enterprise Zone expires on December 31, 2016.

(5) Original submittal for residential uses, including up to two resubmittals . . .1,400.00

Plus, per acre . . . 90.00

(6) Third and subsequent resubmittals for residential uses, per submittal . . . 480.00

(7) Adjustment to approved site plan for residential uses, per submittal or resubmittal . . . 480.00

(b) (1) Schematic plan for non-residential uses . . . 1,080.00

Plus, per acre for the first 50 acres . . . 50.00

Plus, per acre over 50 acres . . . 20.00

(2) Amendment of approved schematic plan for non-residential uses . . . 240.00

(3) Schematic plan for residential uses . . . 1,800.00

Plus, per acre for the first 50 acres . . . 70.00

Plus, per acre over 50 acres . . . 40.00

(4) Amendment of approved schematic plan for residential uses . . . 380.00

(c) Appeal of decision of director of planning

(1) For non-residential uses . . . 240.00

(2) For residential uses . . . 380.00

(d) Request by applicant to defer planning commission consideration of plan, per request:

(1) For non-residential uses:

a. 40 or fewer days . . . 230.00

b. More than 40 days . . . 130.00

(2) For residential uses:

a. 40 or fewer days . . . 250.00

b. More than 40 days . . . 150.00

(e) Request by applicant for environmental engineering department to transfer to electronic format such non-electronic information regarding contours, boundaries of impervious areas and delineation of storm sewer lines as set forth in § 19-264. . . $75.00

(Code 1978, § 21.1-280; Ord. of 4-10-96, § 1; Ord. of 6-11-97, § 1; Ord. of 4-8-98, § 1; Ord. of 4-12-00; Ord. of 6-26-02, § 1)

Secs. 19-280--19-300. Reserved.

ARTICLE VI. DEFINITIONS*

Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

Accessory building or use: A building or a use of land used for a purpose incident and subordinate to that for which a main building is used, and the use of premises for a purpose incident and subordinate to the main or dominant use of the premises.

Administrator: The Federal Insurance Administrator, who administers the National Flood Insurance Program of the Federal Emergency Management Agency.

Adult bookstore/videostore: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or are intended for the sexual stimulation or titillation of patrons.

Adult business: Adult bookstore/videostore, adult mini-motion picture theater, adult motion picture theater, adult store, a business providing adult entertainment or any other establishment, including without limitation any adult modelling studio, adult cocktail lounge or adult nightclub, that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult care center: Same as "Child care center," except that such facility is for the care of adults.

Adult entertainment: Dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Adult merchandise: Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designed as

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* Cross references: Definitions and rules of construction generally, § 1-2.
State law references: Definitions relating to zoning, Code of Virginia, § 15.2-2201.

representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult mini-motion picture theater: An enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult motion picture theater: An enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult store: An establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

Agricultural lands: Those lands used for planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Alley: A public or private right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on a street. Additionally, the alley may be used for drainage and utility easements and/or improvements.

Aquatic bench: A bench provided beneath the permanent pool and extending around the perimeter of a retention basin. The bench is normally vegetated with emergent plants and is designed to augment pollutant removal and enhance safety.

Architectural block: Block manufactured with a pattern, texture or polished surface.

Area of special flood hazard: That land in the floodplain subject to a one percent or greater chance of flooding in any given year. Some of these areas are designated on the county flood insurance rate map (FIRM) as zones A, A1--A11, A14, A15 and A16.

Arterial, major: See "Arterial, principal."

Arterial, minor: A road which: interconnects with, and augments, the principal arterial system; accommodates trips of moderate length; where possible, does not penetrate identifiable neighborhoods; and distributes travel to small geographic areas. The term "minor arterial" shall include, but not be limited to, major arterials having a right-of-way width of 90 feet, as shown on the comprehensive plan.

Arterial, principal: A road which: provides major circulation movements and accommodates through travel, serves the major center(s) of activity, has a high traffic volume, accommodates long trips, and carries a high proportion of the total area travel on a minimum mileage. Principal arterials shall include, but not be limited to, major arterials having a right-of-way width of 120 to 200 feet, as shown on the comprehensive plan.

Automatic or drive-through car wash: A facility where cars are washed by machines and may include manual labor such as drying cars and cleaning interiors.

Automobile: A motor vehicle designed to transport property and/or passengers on its own structure. The term "automobile" shall include, but not be limited to, "passenger car", "pickup truck", "panel truck", "van", "bus", "stake truck" and "farm tractor."

Automobile self-service station: Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but automotive repair is not performed. An automobile self-service station may have the capability to fuel two or fewer tractor-trailers at the same time but shall not have parking facilities for tractor-trailers; provided, however, tractor-trailers shall be permitted to park on the site for the purpose of loading or unloading goods to the businesses located on the premises. Automobile self-service stations shall not include automobile service stations, public garages, or tractor-trailer service stations.

Automobile service stations: Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail. An automobile self-service station may have the capability to fuel two or fewer tractor-trailers at the same time but shall not have parking facilities for tractor-trailers; provided, however, tractor-trailers shall be permitted to park on the site for the purpose of loading or unloading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; sale, servicing and repair of tires, but not recapping or regrooving; replacement of mufflers, tail pipes, water hoses, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like; radiator cleaning, flushing and fluid replacement; washing and polishing supplies; greasing and lubrication; provision and repair of fuel pumps or fuel injectors, oil pumps and lines; minor adjustment and repair of carburetors; adjustment and repair of brakes; emergency repair of wiring; minor motor adjustments not involving removal of the head or crankcase; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of road maps and other travel information to customers; provision of restroom facilities; and state motor vehicle inspections.

An automobile service station shall not include a public garage, body shop, or tractor-trailer service station. Uses permissible at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke, fumes or other characteristics to an extent greater than normally found in automobile service stations.

Backwater: An elevation of water as a result of a flow-retarding influence from a dam or other construction, such as a road, embankment, bridge or culvert.

Base flood: A flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building where the majority of the wall area between the floor and the ceiling is below grade.

Best management practice or BMP: A practice that is determined by a state or designated area-wide planning agency, or director of environmental engineering to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint-sources to a level compatible with water quality goals. A BMP includes, but is not limited to, detention or retention basins.

Block: A set of adjacent lots or parcels bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the county.

Boarding or lodging house: A single family dwelling where meals and/or lodging are provided for compensation for three or more, but not exceeding nine, guests who are not transients.

Boat: A vehicular portable structure, with or without a deck and with or without power, designed for transportation on water.

Boat trailer: A vehicular structure built on a chassis and designed for transporting boats.

Bondsman: Any person or establishment, other than a guaranty, indemnity or fidelity and surety company doing business in the state pursuant to Code of Virginia, §§ 38.2-2400-38.2-2420 as amended, who is in the business of entering into or offering to enter into bonds for others, for compensation, whether as principal or surety, and who shall be in compliance with the requirements of chapter 15, article III.

Building: Any structure, including a manufactured home, having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The word "building" does not include a tent or temporary manufactured home. The word "building" includes the word "structure."

Building height: A vertical distance from the "grade" level to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

Building, main: A building in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building setback line, front: A line within a lot or parcel so designated on a recorded plat or as otherwise established by the Code at the minimum front yard setback distance that defines the front building envelope limits and/or by the location where the lot or parcel achieves the

minimum width requirement. If the required width is not met at the minimum front yard setback line, the location of the front building setback line is determined where the minimum required width between the side lines has generally equal angles created by the intersection of the setback line and each side line. The narrowest lot frontage shall always be the front yard.

Camper body: A nonvehicular portable structure designed to be used as a temporary dwelling for travel, recreation and vacation uses, with an overall length of not more than 18 feet.

Cellar: Same as "Basement."

Cemetery: A resting place for the dead, where burial plots or mausoleum space is available.

Check cashing establishments: Any person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia, § 6.1-433.

Chesapeake Bay preservation area: A Chesapeake Bay preservation area shall consist of a resource protection area and a resource management area.

Child care center: Any facility, other than a family day care home, operated for the purpose of providing care, protection and guidance to a child or children separated from their parents or guardian during a part of the day only, except:

(1) A facility required to be licensed as a summer camp under Code of Virginia, §§ 35-43--35-53.

(2) A public school or a private school, unless the commissioner of welfare and institutions determines that such private school is operating a child care center outside the scope of regular classes.

(3) A school operated primarily for the educational instruction of children two to five years of age, which children two to four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of 6 1/2 hours per day.

(4) A Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Clerk: Clerk of the board of supervisors.

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

Cocktail lounge: Any establishment which serves alcoholic beverages but has no more than one of the following components: live entertainment or dancing by the public.

Commercial parks: A development that contains three or more separate businesses that are planned, developed or managed as a unit and related in location, size and type of use to the area that the unit serves and that provides onsite parking in relationship to the types and sizes of businesses.

Commission: The planning commission of the county.

Comprehensive plan: The comprehensive plan adopted pursuantto Code of Virginia, tit., 15.2, ch. 22 [§ 15.2-2220 et seq.], particularly Code of Virginia, § 15.2-2223.

Conditional use: A use that may be permitted in a district by the board of supervisors under certain conditions.

Conditional zoning: The classifying of land into districts by legislative action, including the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district by this chapter.

Conservation area: An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Court: Any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from and above the floor level of any room having a window or door opening on such court. The term "court" shall include courtyards.

Court, outer: A court extending to a street or to a front or rear yard.

Dairy farm: Any premises where one or more cows or goats are kept and from which milk is sold on or off the premises. A stock farm includes a dairy farm.

Density: The number of dwelling units or the square footage per gross acre.

Detention basin: A stormwater management facility which temporarily impounds run-off and discharges it through a hydraulic outlet structure to a downstream conveyance system. Such facilities are often dry between storms and therefore may be referred to as "dry ponds."

Development: Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving and excavation or drilling operations.

Development approval: Includes modification to development standards and requirements, site plan and schematic plan approval.

Diameter at breast height: The diameter of a tree measured outside the bark at a point 4.5 feet above ground.

Director of environmental engineering: The director of environmental engineering or his agent or designee.

Director of planning: The planning director or his agent or designee.

Director of transportation: The director of transportation or his agent or designee.

Discarded material storage: The use of the open area of any lot or parcel of land, other than a properly zoned junkyard, for depositing or storing discarded material, including but not limited to scrap metals or other scrap material; used or scrap building, plumbing, electrical and heating material; discarded household appliances, furnishings and fixtures; dismantled or demolished motor vehicles; or other machinery or parts thereof.

Display, outside: Any area used for, but not limited to, the display of equipment, supplies or other goods for sale whereby such materials are only displayed outside for a portion of any 24-hour day.

District: A portion of the county within which certain uniform regulations and requirements or various combinations apply under the provisions of this chapter.

Drive-in restaurant: See "Fast-food restaurant."

Drive-in windows: A customer service facility designed for the convenience of the motoring public accessory to an office or retail establishment which is intended to enable the customer to transact business with a person located within a structure or a machine without exiting the motor vehicle.

Dwelling or dwelling unit: Any building or portion thereof providing complete independent permanent facilities for living, sleeping, eating and sanitation designed for or used exclusively as living quarters by one family, but not including a tent, cabin, travel trailer or room in a hotel or motel. A manufactured or mobile home shall not be considered a dwelling or dwelling unit unless it is a permanent manufactured or mobile home as defined by this chapter.

Dwelling, multiple-family: A building, not to include a townhouse, designed for use or occupied exclusively by three or more dwelling units.

Dwelling, single-family: A building designed for use or occupied exclusively by one family.

Dwelling, two-family: A building designed for use or occupied exclusively by two families and containing two dwelling units.

Easement: A grant of rights by a property owner to another individual, group or governmental unit to make a specified use of a portion of real property.

Emerging growth area: That area defined by section 19-592 of the Development Standards Manual.

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 of the Development Standards Manual, or to delineate wetlands to establish a resource protection area.

Erect: Includes "construct," "reconstruct," "enlarge" and forms thereof but not the word "maintain" or any form thereof.

Existing construction: Structures for which construction commenced before February 23, 1983, for purposes of the floodplain division of this chapter. Existing construction may also be referred to as "existing structures."

Family:

(1) An individual.

(2) Two or more persons related by blood, marriage, adoption or guardianship plus any domestic servants, foster children and not more than two roomers, living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit.

(3) A group of not more than four persons not related by blood, marriage, adoption or guardianship living together as a single nonprofit housekeeping unit in a dwelling or dwelling unit.

Family day-care home: A dwelling unit in which the provider resides that is used to provide care, protection and guidance to one through 12 children exclusive of the provider's own children and any children who reside in the home when at least one child receives care for compensation. Family day-care homes are not subject to the requirements governing home occupations.

Farm: Any tract of land which is used for raising agricultural products and which may include facilities for the sale of such products from the premises where produced. The definition of "farm" shall not include stock farms, commercial plant nurseries, commercial greenhouses, commercial hatcheries or other commercial retail or agriculture-related industrial use.

Fence, lattice: A wooden fence of posts, at least two horizontal rails and perpendicularly crossed laths, no less than one inch wide, spaced no farther apart than two inches.

Fence, picket: A wooden fence, with at least two horizontal rails and vertical pickets. The pickets shall be no more than four inches wide and no farther apart than their own width.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas.

Flood boundary and floodway maps (FBFM): The official maps of the county on which the federal insurance administrator has delineated the boundaries of some of the 100- and 500-year floods and floodways within the county.

Flood insurance rate map (FIRM): The official maps of the county on which the administrator has delineated both the special hazard areas and the risk premium zones applicable to the county.

Flood, 100-year: See "Base flood."

Floodplain: An area of land that is subject to flooding by storm up to the base flood. (See "Base flood.")

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodproofing: A combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Some of these areas are shown on the county's FBFM.

Floodway fringe: The area of the floodplain that can be completely obstructed without increasing the water surface elevation of the base flood by more than one foot at any point. Some of these areas are shown on the county's FBFM.

Floor area, gross: Sum of the horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including outside storage areas, attached garages or carports, enclosed porches or rooftop enclosures housing mechanical equipment.

Frontage: The continuous length of the property line of a lot or parcel of land measured along a single street, against which the land abuts. Access easements do not constitute frontage. Stub streets do not constitute frontage except as permitted in section 19-551.

Garage, private: An accessory building occupied, or intended to be occupied, by the passenger motor vehicles of the families residing on the lot, including a carport. If space for more than two vehicles in a garage or carport having a maximum capacity of three vehicles, or if more than half the space in a garage having a capacity of more than three vehicles, is occupied by any commercial vehicles, such garage shall be deemed to be a public garage.

Garage, public: Any building or portion thereof, open to the public, other than a private garage, designed or used for equipping, servicing, repairing, hiring, storing or parking motor driven vehicles. The term "repairing" shall include tire recapping, or body, major engine and transmission repairs, but shall not include dismantling or storing junked vehicles.

Golf course: Any golf course where golf is played, including accessory uses and customary buildings.

Grade: The average of the finished ground level measured at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the grade (ground level) may be measured at the sidewalk.

Graveyard: A place of burial of human dead where burial plots or mausoleum space has been set aside and maintained by a church or family.

Group care facility: An adult and/or child caring institution or facility, other than a group home, halfway house or hospital, designed to provide resident services to individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services or children separated from their parents or guardian.

Group home: An adult and/or child caring facility licensed by the State Department Of Mental Health, Mental Retardation And Substance Abuse Services, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. For the purposes of this chapter, a group home shall be considered a single-family dwelling.

Guest room: A sleeping room which is designed or intended for occupancy by, or which is occupied by, one or more guests for compensation, but in which no provision is made for cooking. The term does not include a dormitory for sleeping purposes.

Halfway house: An adult- and/or child-caring institution or facility established, operated or used by the Virginia Department of Corrections or the Federal Bureau of Prisons for the temporary care of adults on probation or parole or for the temporary training, confinement or detention of children.

Highly erodible soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than 8. The erodibility index for any soil is defined as the product of the formula RKLS/T, as defined by the "Flood Security Act (F.S.A.) Manual" of August 1988, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer, R is the rainfall and runoff, LS is the combined effects of slope length and steepness, and T is the soil loss tolerance.

Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soils having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July 1983, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service.

Home occupation: Any occupation, profession, enterprise or activity conducted solely by one or more members of a family on the premises which is incidental and secondary to the use of the premises as a dwelling, including the home office of a member of a recognized or licensed profession, such as an attorney, physician, dentist, certified massage therapist as defined in County Code § 15-91, musician, artist, real estate salesperson or broker, or engineer; provided that:

(1) Not more than the equivalent area of one-quarter of one floor shall be used for such purpose;

(2) Such occupation shall not require external alterations;

(3) No commodity is stored or sold, except those made on the premises;

(4) There shall be no group instruction, assembly or activity, and no display that will indicate from the exterior that the building is being used in part for any purpose other than that of a dwelling; and

(5) Only one motor vehicle used in conjunction with the home occupation is parked on the premises.

Permitted home occupations shall not include animal hospitals or kennels, beauty parlors, barbershops, nursing homes, convalescent homes, rest homes, tourist homes or similar establishments offering services to the general public.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities or training facilities.

Hotel: A building designed for transient occupancy containing lodging rooms or suites accessible from a common hall or entrance, providing living, sleeping and bathroom facilities. A central kitchen, meeting rooms, dining room, restaurant, night club, gift shop and recreation room are generally provided. The term "hotel" shall not include a motel.

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

Indoor flea market: A show at a single location which is conducted inside a building enclosed by walls that consists of a group of five or more persons selling or offering for sale goods, wares or merchandise such as hobby crafts, antiques, art works, new or secondhand articles or any combination of these. Yard sales, including sales conducted by nonprofit organizations that are exempt from federal taxes by the Internal Revenue Service are excluded from this definition.

Industrial park: A development that contains three or more industrial establishments that are planned, developed or managed as a unit and related in location, size and type of shops to the area that the unit serves and that provides onsite parking in relationship to the size and types of industrial uses.

Institutional building: A building owned, occupied and used by institutions of a civic, religious, charitable, educational or philanthropic nature.

Intercom: A device designed for two-way communication between a person within a building or kiosk and a pedestrian or operator of a motor vehicle and which is not generally audible to others.

Junkyard: The use of more than 200 cubic feet of the open area of any lot or parcel of land for depositing, sorting, refining, baling, dismantling or storing junk, including, but not limited to, scrap metals or other scrap material; used or scrap building, plumbing, electrical and heating material; discarded household appliances, furnishings and fixtures; dismantled or demolished motor vehicles or other machinery or parts thereof; or one or more motor vehicles that are inoperable and economically impractical to make operative. The term "junkyard" shall not include motor vehicle storage/towing lots or any of the things recited herein which are incidental and accessory to any agricultural or industrial use.

Kennel, commercial: A facility where dogs are kept for boarding, breeding, care, grooming, sale or other purpose for commercial gain.

Kennel, private: A place where three or more dogs, more than four months old, are kept for private use.

Lattice fence: See "Fence, lattice."

Laundromat: A building where clothes or other household articles are washed in self-service machines and where such washed clothes and articles may also be dried or ironed but where no delivery service is provided.

Limited-access roads: See "Freeway."

Live entertainment: Entertainment provided by live artists including, but not limited to, musical performances, disk jockeys, public speaking, dramatic performances, dancers, modelling or comedy.

Lot: A single recorded partitioned land area set off by metes and bounds occupied, or intended to be occupied, by a principal building or buildings and accessory buildings and uses, together with such open spaces as are required under this chapter having not less than the minimum area required by this chapter for a lot in the district in which it is situated and fronting on a street except as otherwise permitted in R-TH districts. For purposes of this chapter only, a "lot" includes a "plot," "parcel" or "premises".

Lot area: The area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a lake or river.

Lot, corner: A lot situated at the intersection of two streets that generally has an adjacent interior angle not greater than 135 degrees.

Lot depth: The shortest horizontal distance between front and rear lines of a lot measured perpendicular to the street line.

Lot, interior: Any lot other than a corner lot.

Lot of record: A lot shown upon a subdivision plat recorded in the clerk's office at the county circuit court.

Lot, through: A lot having a pair of opposite lot lines along two more or less parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines excluding lots that include a buffer along one street in a residential or residential townhouse district. In this situation, the land adjacent to the buffer shall be deemed the rear yard.

Lot width: The horizontal distance between the side lines of a lot measured along the minimum front building setback line.

Lot, zoning: A tract of land, located within a single block, which, at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by its owner or developer as a tract all of which is to be used, developed or built on as a unit under single ownership. A zoning lot may or may not conform to a lot of record.

Manufactured home: A structure subject to federal regulation which is transportable in one or more sections; is eight feet or more in width and 40 feet or more in length or is 320 or more square feet when erected onsite; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

Mass transportation: Station or location serving railroad, rapid rail transit, bus or taxicab transportation.

Massage clinic: The definition set forth in County Code § 15-91 shall apply.

Mini-warehouse: A building consisting of individual, small, self-contained units that are used or designed to be used for storing household goods, business goods or contractors' supplies.

Mobile home: An industrialized building unit which is eight feet or more in width and 32 feet or more in length, constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more of such units separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to, and installation or erection on, other sites.

Mobile or manufactured home park: A plot of ground upon which two or more permanent mobile or manufactured homes are located and where spaces or lots are not for sale.

Mobile or manufactured home subdivision: A subdivision, as defined in chapter 17 of this Code, which is designed solely for permanent mobile or manufactured homes.

Modular home or unit: An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two or more industrialized building units, and not designed for ready removal to or installation or erection on another site.

Motor court or motel: A building or buildings designed for transient occupancy containing locking rooms or suites accessible though a common hall or separate outside entrances. A central kitchen, meeting rooms or dining room are not generally provided within the same structure as rooms or suites.

Motor vehicle consignment lot: Any person or establishment whose primary business is the selling of motor vehicles as an agent for the owner of the vehicle, in return for any form of compensation.

Motor vehicle storage/towing lot: The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to 6 months if the owner submits certification that legal obligations preclude removal of such vehicles. The term motor vehicle storage/towing lot shall not include junkyards; any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop, or similar use; nor the parking of wreckers or similar vehicles on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop, or similar use even if a damaged, disabled or inoperative motor vehicle is attached to the wreckers.

Navigable waterways: Those creeks, streams or rivers which are subject to tidal influences.

New construction: For the purposes of the floodplain division of this chapter, structures for which the start of construction commenced on or after February 23, 1983.

Nightclub: Any commercial establishment which serves alcoholic beverages and has live entertainment and dancing by the public.

Nonconforming use: The lawful use of land, buildings, structures and premises existing on the effective date of this chapter, which use does not conform to the applicable provisions of this chapter.

Nonpoint source pollution: Pollution consisting of constituents such as sediment, nutrients and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands: Those wetlands other than tidal wetlands that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under

normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to section 404 of the federal Clean Water Act in 33 CFR 328.3b, dated November 13, 1986, as amended.

Noxious weeds: Weeds that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose.

Nursing home: Any convalescent home, rest home or home for more than three persons who are aged, infirm, chronically ill or incurably afflicted, and any place devoted primarily to the maintenance and operation of facilities for the treatment and care of such persons (excluding extensive or intensive care that is normally provided in a general hospital or other specialized hospital) who require care in excess of room and board and who need medical, nursing, convalescent or chronic care.

Occult Sciences: Any person or establishment engaged in the occupation of a fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologist, card reader, spiritual reader, tea leaf reader, prophet, psychic or advisor or who in any other manner claims or pretends to tell fortunes or claims or pretends to disclose mental faculties of individuals for any form of compensation. Nothing contained herein shall be construed to apply to a person pretending to act as a fortune-teller in a properly licensed theater as part of any show or exhibition presented therein or as part of any play, exhibition, fair or show presented or offered in aide of any benevolent, charitable or educational purpose.

Off-track betting facility: A facility that broadcasts the audio or video portion, or both, of horse races from a licensed horse racetrack or off-track betting facility by satellite communication devices, television cables, telephone lines, or any other means for the purpose of conducting wagering on those races.

Office park: A development that contains three or more separate office buildings that are planned, developed or managed as a unit and related in location, size and type of use to the area that the unit serves and that provides onsite parking in relationship to the types and sizes of offices.

Open space: Any area not occupied by a building, structure, drive or parking area.

Outdoor flea market: A show at a single location any part of which is conducted outside of a building enclosed by walls that consists of a group of five or more persons selling or offering for sale goods, wares or merchandise such as hobby crafts, antiques, art works, new or secondhand articles or any combination of these. Yard sales, including sales conducted by nonprofit organizations that are exempt from federal taxes by the Internal Revenue Service are excluded from this definition.

Outside public address system: Any device used for broadcast of messages or music which is generally audible by more than one person.

Pawnbroker: Any person or establishment that lends or advances money or other things for profit on the pledge and possession of personal property or other valuable things, other than securities

or written or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Pedestrian way: Circulation system designed to be used by pedestrians, bicyclists and/or other nonmotorized traffic.

Permanent manufactured or mobile home: Any manufactured or mobile home which is permitted by right in the zoning district in which it is located and for which a manufactured or mobile home permit or special exception is not required pursuant to section 19-123(f).

Picket fence: See "Fence, picket."

Planned development: One or more contiguous lots zoned under section 19-14 or one or more contiguous lots under single ownership or unified control, planned as a whole for development in a single or programmed series of phases, in accordance with an approved master plan which may include multiple land uses and as further outlined in sections 17-9 and 19-14 as applicable.

Planning commission: The county planning commission.

Post-development area: That area as defined in section 19-600 of the Development Standards Manual.

Premises: A lot, parcel, tract or plot of land, together with all buildings and structures thereon.

Project: A development that is planned, developed or managed as a unit.

Qualified expert:

(1) Resource management area: A person who has performed at least three wetlands delineations that have been approved in writing, with documentation, by the Corps of Engineers. An individual who has not had three wetland delineations approved by the Corps may perform the delineation but it must be approved by the Corps prior to submission to the county.

(2) Resource protection area: A person who is an engineer and a certified soil scientist or, at a minimum, a certified soil scientist. Certification may be obtained through a national or state certification program, or by a degree in soils science.

Recreational equipment: Equipment, including boats, boat trailers, rafts, house trailers, travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

Recreational vehicle: A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred gross square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment: The process of developing land that is or has been previously developed.

Resource management area: That component of the Chesapeake Bay preservation area that is not classified as the resource protection area.

Resource protection area: That component of the Chesapeake Bay preservation area comprised of lands at or near the shoreline that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts that may result in significant degradation to the quality of state waters.

Restaurant: An establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following:

(1) Customers are normally provided with an individual menu, and are served their foods and/or beverages by a restaurant employee at the same table or counter at which said items are consumed.

(2) A cafeteria-style setting is provided where food and/or beverages are consumed within the restaurant structure.

Restaurant, carry-out: An establishment whose principal business is the sale of food and beverages in a ready-to-consume state, and whose design or method of operation includes one or more of the following characteristics:

(1) The consumption of foods and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the building, is prohibited and such prohibition is strictly enforced by the restaurateur.

(2) Foods and beverages are usually served in edible containers or paper, plastic or other disposable containers.

(3) Foods and beverages are either picked up by the consumer or delivered by restaurant employee(s).

Restaurant, fast-food: Any establishment which provides as a principal use the sale of food, frozen desserts or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises or off-premises and whose design and principal method of operation includes one or more of the following characteristics:

(1) Food or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.

(2) Food or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant or to a motor vehicle on- or off-premises. If consumed on-premises, customers generally are expected to clear their own tables and dispose of their trash.

(3) Food or beverages are served to the occupants of a motor vehicle while seated therein, such as through a drive-in window or via curb service.

The term "fast-food restaurant" shall include drive-in restaurants.

Retention basin: A stormwater management facility which temporarily impounds run-off and incorporates a permanent pond to remove pollutants. The treated stormwater is discharged through a hydraulic outlet structure to a downstream conveyance. These facilities may be referred to as "wet ponds."

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

Safety bench: A level or almost level area designed to enhance safety, located at the toe of the slope of the retention basin immediately landward of a permanent pool.

School: Unless otherwise specified, the terms "school" and "college" shall be limited to places of general instruction and shall not include dancing schools, riding academies, or trade or specialized vocational schools.

Sediment forebay: A stormwater design feature that employs the use of a small settling area near the inlet of a retention basin which is used to settle out incoming sediments and which enhances sediment removal for maintenance purposes.

Self-service car wash: A facility for cleaning automobiles where cleaning is performed by the automobile owner and assistance by employees of the facility is not provided. Such facilities include wand washes.

Shipping container: A receptacle, vessel or similar device designed and constructed to hold and protect goods during transport via roadway, water, air or rail.

Shopping center: A development that contains three or more commercial establishments that are planned, developed or managed as a unit and related in location, size and type of shops to the area that the unit serves and that provides onsite parking in relationship to the types and sizes of stores.

Sight distance triangle: A triangular area that is included between the lines of an intersecting public street or private driveway and a straight line connecting them at a point 20 feet distant from the existing or proposed right-of-way line or private driveway intersection. The driveway for a single-family or two-family residence shall not be subject to the above.

Special exception: A special use not permitted in a district except by a special permit granted under the provisions of this chapter.

Specified anatomical areas: Less than completely and opaquely covered human genitals; pubic region; buttock; female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal; acts or simulation of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Square footage, gross: Sum of the horizontal area of all floors of a building measured from the exterior areas of the exterior walls or from the center line of walls separating two buildings. Unless restricted by a condition of zoning approval, gross square footage shall include finished and unfinished areas, enclosed attached outside storage areas, attached garages, and enclosed porches. Gross square footage shall not include covered or uncovered open appurtenances such as unenclosed porches, breezeways or decks.

Stacking spaces: A queuing area for motorists who remain in their vehicles awaiting service at a drive-through facility or discharging or picking up passengers at other facilities.

Steep slope: Any land area which rises or falls at a rate of 20 feet or more per 100 feet as measured in the horizontal plane.

Stock farm: A parcel of land on which are kept one or more cows, sheep, goats, horses or other farm animals, or more than 12 chickens or other fowl, rabbits or other small domesticated livestock.

Stock farm, residential: A parcel of land on which are kept one or more cows, sheep, goats, horses, chickens or other fowl, rabbits or other small domesticated livestock or other farm animals.

Storage area, outside: Outside storage areas shall include, but not be limited to, areas used to keep equipment, aboveground storage tanks, supplies, vehicles for repair of body or engine damage or goods for sale whereby such materials remain outside on a continuing basis. Outside storage area shall not include continuous outside display.

Story: That portion of a building, other than a cellar or basement, extending from the surface of any floor to the surface of the floor next above it, or if there be no floor above, then the portion of a building extending from the floor to the ceiling next above it.

Story, half: That portion of a building immediately under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of the story.

Street: A public right-of-way which provides vehicular access to properties, or provides for through traffic, whether designated as an arterial, collector, residential collector, highway, parkway, street, avenue, road, boulevard, lane, place, cul-de-sac, or any other public way. A

street shall be deemed the total length and width of the strip of land dedicated or designed for public travel, including such improvements required to become part of the Virginia state transportation system.

Street, arterial: A street identified on the thoroughfare plan as a major arterial which provides major circulation movements and accommodates through travel, serves the major center(s) of activity, has a high traffic volume, and typically accommodates long and moderate trip lengths. Arterials shall include, but not be limited to, major arterials having a right-of-way width of 90 feet or 120 to 200 feet as determined by the director of transportation.

Street, center line: The center line of a street shall mean its center line as shown in any of the official records of the county, as established by the transportation department or as established by the Virginia Department of Transportation. If no center line has been established, the center line of a street shall be a line lying midway between the side lines of the right-of-way.

Street, collector: A street identified on the thoroughfare plan as a collector that collects traffic from local streets in commercial and industrial areas and neighborhoods and channels such traffic into the arterial systems and typically does not permit access to individual residential or residential townhouse lots. Collectors have a right-of-way width of 60 to 70 feet, as determined by the director of transportation.

Street, limited access: A street shown on the thoroughfare plan as a limited access street with fully controlled access that is intended to provide for safe and efficient movement of high volumes of traffic at relatively high speed. Fully controlled access means that the authority to control access is exercised to give preference to through traffic and is the condition where the right of owners abutting land to access a street is fully or partially controlled by public authority. These streets shall include, but not be limited to, limited access streets with a right-of-way width of 200 feet, as determined by the director of transportation. The term "limited access street" shall include but not be limited to the words "limited access road(s)", "freeway" and "expressway".

Street line: The line between a lot, tract or parcel of land and a continuous street.

Street, local: A street of limited continuity used primarily for access to abutting properties and serving local needs.

Street, special-access: 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 may either be a public right-of-way and/or easement.

Structural alteration: Any change, requiring a building permit, in the supporting members of a building or structure, including bearing walls, columns, beams, girders or similar parts of a building or structure or any substantial change in the roof of a building.

Structure: Anything constructed or erected which has a permanent location on the ground or which is attached to something having a permanent location on the ground.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition or other improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Temporary manufactured or mobile home: Any manufactured or mobile home which is not permitted by right in the zoning district in which it is located and which is allowed for a specified time limit with a manufactured or mobile home permit or special exception pursuant to section 19-100 or 19-127.

Tent: A portable shelter made of canvas, plastic or other moisture resistant material stretched over a supporting framework of poles with ropes and pegs, intended for temporary use.

Tidal shore or shore: Land contiguous to a tidal body of water between the mean low-water level and the mean high-water level.

Tidal wetlands: Vegetated and nonvegetated wetlands.

Tourist home: An establishment used for dwelling purposes in which less than ten rooms, with or without meals, are offered to transient guests for compensation.

Townhouse: A series or group of single-family attached dwellings located or sited on individual lots designed to be sold as a unit. Each unit shall be separated from others by party walls without doors, windows or other provisions for human passage or visibility through such walls, from basement to roof.

Tractor-trailer: A truck with a cab and no body, equipped with a coupling device to pull trailers, tankers or semitrailers. The term "tractor-trailer" shall include, but not be limited to, "tractor truck" and "semitrailer."

Tractor-trailer service station: Any establishment having pumps and storage tanks at which fuels and oils for tractor-trailers are dispensed or sold at retail and which enhances maneuverability and fueling of tractor-trailers by the contouring of curbs and aprons and the placement and design of fuel pumps, islands or other design features that accommodate tractor-trailers. A tractor-trailer service station shall have the capability to fuel three or more tractor-trailers at the

same time. The facility may also have provisions for, but not be limited to, the following: tractor-trailer parking; automobile fueling; repair and maintenance of automobiles or tractor-trailers; sleeping accommodations; sanitation facilities; sale of parts or accessories for automobiles or tractor-trailers; or a restaurant.

Travel trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification "Travel Trailer" thereon; and when factory equipped for the road, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 32 feet.

Travel trailer park: Premises used or intended to be used, let or rented to for occupancy by two or more campers, travel trailers, tents or similar facilities which are intended for temporary recreational use by transients.

Tributary stream: Any perennial stream that is so depicted as a solid blue line on the most recent U.S. Geological Survey 7.5-minute topographic quadrangle map (scale 1:24,000).

Use: How land or a building or structure thereon is designed, arranged or intended or for which it is occupied or maintained.

Use, accessory: A use that is incidental to the principal use of a lot or a building or structure located on the same lot.

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

Use, principal: The main use of land, buildings or structures as distinguished from a subordinate or accessory use.

Utility trailer: A vehicular structure built on a chassis and designed to be used for personal hauling.

Variance: A reasonable deviation from those provisions of this chapter regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter and would result in substantial justice being done.

Variance, administrative: A variance from any building setback requirement which may be granted by the director of planning with the following restrictions:

(1) The amount of the variance shall be limited to a maximum of ten feet or 50 percent of the required setback, whichever is greater, and

(2) The director of planning must find in writing that:

(a) The strict application of the ordinance requirement would produce undue hardship;

(b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

(c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by granting the variance.

Veterinary hospital: A building or group of buildings providing surgical or medical treatment to animals, and having facilities for overnight care.

Vista: An area that can be selectively thinned to provide a view of an aesthetic feature.

Warehousing: See "Wholesale."

Water-dependent facility: A development of land that cannot exist outside of a resource protection area and must be located on the shoreline because of the intrinsic nature of its operation. These facilities include, but are not limited to:

(1) Ports.

(2) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants and storm sewers.

(3) Marinas and other boat docking structures.

(4) Beaches and other water-oriented recreation areas.

(5) Fisheries or other marine resources facilities.

Wetlands: Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions and over which the Commonwealth of Virginia or the U.S. Army Corps of Engineers exercises jurisdiction. Wetlands typically include swamps, marshes, bogs, and similar areas.

Wholesale, wholesaling houses and distributions: Nonretail service establishments that sell goods to other persons for the purpose of resale only, or sell goods to commercial, industrial or institutional organizations for their own use.

Yard: An open space at grade or between a building or structure and the adjoining lot line unoccupied and unobstructed by any portion of a building or structure from the ground upward.

Yard, front: A yard extending across the front of a lot between the front lot line and the nearest line of the main building.

Yard measurement: In measuring a yard, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a group of buildings nearest to such lot line. The measurement shall be taken at right angles from the line of the building to the nearest lot line. If a future width line is established by the provisions of this chapter for any street bounding the lot, then such measurement shall be taken from the line of the building to such future width line.

Yard, privacy: A small area contiguous to a building and enclosed on at least two sides by either a wall or fence of six feet minimum height.

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.

Yard sale: A sale, not more than two days in duration, of personal property owned by the seller and usual to a household. Such sale is conducted by the owner or lessee of the property on which it occurs. Such sale 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. The word "yard sale" includes garage sale, lawn sale, attic sale, rummage sale, or any similar casual sale of tangible property which is advertised by any means whereby the public at large is or can be made aware of the sale.

Yard, side: A yard lying between the side lot line of the lot and the nearest line of the side of the main building from the front yard to the rear yard.

Zoning approval: Includes conditional use, conditional use planned development, conditional zoning, variance, special exception, substantial accord for which a public hearing occurs, mobile home permit and rezoning approvals.

Zoning condition: Any condition of a zoning approval.

(Code 1978, § 21.1-281; Ord. of 6-12-96, § 2; Ord. of 9-25-96, § 7; Ord. of 2-26-97, § 1; Ord. of 11-25-97, § 1; Ord. Of 11-25-97, § 3; Ord. of 2-11-98, § 1; Ord. of 10-28-98, § 1; Ord. of 10-13-99, § 1; Ord. of 7-26-00, § 1; Ord. of 2-21-01, § 1; Ord. of 4-25-01, § 1; Ord. of 8-22-01, § 1; Ord. of 9-26-01, § 1; Ord. of 5-29-02, § 1)

Secs. 19-302--19-499. Reserved.

ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

DIVISION 1. DEVELOPMENT STANDARDS*

Subdivision I. General Provisions--Countywide

Sec. 19-500. Variations in requirements when adjacent to vacant land zoned agricultural.

When a zoning lot adjacent to a vacant parcel in an A district is designated for an O, C or I use by the comprehensive plan, then the development requirements may be reduced in accordance with permitted reductions as if the zoning lot were adjacent to property zoned O, C and I.

(Code 1978, § 21.1-202)

Sec. 19-501. Location of required open space.

Except in the case of planned developments, all yards and other open spaces allocated to a building, group of buildings or use shall be located on the same zoning lot as such building, group of buildings or use.

(Code 1978, § 21.1-204)

Sec. 19-502. Uses without buildings.

When a lot is to be occupied for a permitted use without buildings or structures, the required yards for such lot shall be provided and maintained unless otherwise stipulated in this article, except that no side yards shall be required on lots without buildings or structures which are used for garden purposes.

(Code 1978, § 21.1-205)

Sec. 19-503. Solid waste storage areas.

(a) With the exception of garbage can and recycling container areas which serve single- or two-family dwellings, solid waste storage areas (solid waste storage area, garbage cans, trash compactors, recycling containers, etc.) shall be screened from view of adjacent property and public rights-of-way as follows:

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* Editor's note: The requirements specified in this division shall apply to all development within the county. In addition to these standards, there shall be additional standards which apply to residential, office, business and industrial development, as well as signs and access and internal circulation and other aspects of development as provided in this article.

(1) Solid waste storage areas on property which is adjacent to an A, R, R-TH, MH or R-MF district shall be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that the solid waste storage area serves. However, solid waste storage areas that are located a minimum of 100 feet from the above-referenced district line may be screened in accordance with subsection (2).

(2) All other solid waste storage areas shall be screened by a solid wall, fence, dense evergreen planting or architectural feature, provided that:

a. Except for solid waste storage areas located in residential projects and in places that can be seen from a public right-of-way, which must comply with the screening requirement of subsection (2), solid waste storage areas that are not visible from beyond the project need not be screened.

b. In I-2 and I-3 districts, solid waste storage areas need not be screened from view of any I-2 or I-3 district or from any public right-of-way that does not accommodate or is not intended to accommodate through traffic movements.

(b) All solid waste storage areas shall observe the parking setbacks of the districts in which they are located.

(c) Solid waste storage areas (excluding garbage can and recycling container areas serving single- or two-family dwellings) located within 1,000 feet of any A, R, R-TH, MH or R-MF districts shall not be serviced between the hours of 9:00 p.m. and 6:00 a.m. Such areas shall be prominently posted with a sign not to exceed six square feet designating the hours in which the solid waste storage area may be serviced.

(Code 1978, § 21.1-206; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-504. Front yards for cemeteries and graveyards.

The minimum front yard setback for buildings shall apply to all graves in new or existing cemeteries and graveyards; except that when existing graves are closer to the road than the setback allows, new graves may be located as close as the closest existing grave. However, no new graves shall be closer than 15 feet to a public right-of-way, nor within any ultimate right-of-way, as designated on the comprehensive plan.

(Code 1978, § 21.1-207)

Sec. 19-505. Measurement of yards.

(a) In any project located in an O, C or I District, required setbacks shall be measured from the project boundaries and public rights-of-way regardless of whether individual lots are created.

(b) The minimum front and corner side yard depths specified herein shall be measured horizontally from the existing street right-of-way line, except where 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. 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. Setbacks 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.

(c) On a corner lot, the front yard shall be the shorter street side. The corner side yard shall be the longer street side of the lot.

(d) On through lots, buildings shall conform to the required front yards on both streets.

(e) For purposes of determining yard setbacks, the setback shall be measured from a 160-foot right-of-way in those instances where 200-foot right-of-way has been dedicated to the county in the following locations:

(1) Route 360, from Route 288 to the Amelia County Line;

(2) Route 10:

a. From Irongate Drive to Courthouse Road;

b. From Krause Road to Buckingham Street;

c. From I-95 to Hopewell corporate limits.

Buildings, drives and parking within office, commercial and industrial districts:

The minimum setback area for buildings, drives and parking areas along Route 360 and Route 10 as listed in this Section, located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along these roads an additional 20 feet. Provided, however, the setback along these roads need not be increased by more than 90 percent of the amount of reducible side and rear yard area

outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each.

(Code 1978, § 21.1-208; Ord. of 11-14-01, § 1)

Sec. 19-506. Yards--Setback exemptions.

(a) The following parts of buildings, structures and uses may occupy or project into required minimum yards as follows:

(1) For the principal building, into any yard: cornices, eaves, sills, leaders, beltcourses, chimneys, canopies and similar ornamental features: three feet; uncovered stairs or fire escapes: four feet six inches; terraces, steps and landings not higher than the entrance floor of the building: ten feet; bay windows and balconies occupying not more than one-third of the wall length: three feet; outside storm enclosures not more than six feet in width: four feet; provided that no such projection shall extend to within less than five feet of any interior side lot line nor within less than ten feet of any street side lot line.

(2) Structures such as porches, carports, drive-in window canopies and gasoline canopies open on three sides may extend into: a required side yard not more than half the required side yard if it does not come closer than five feet to the side lot line; a required front yard not more than ten feet; and a required rear yard not more than ten feet. For the purpose of this subsection, the side of a structure will be considered open if a maximum of two (2) feet of the height of the side is constructed of brick, siding, lattice, louvers or other building materials. Any portion of the side that complies with the required minimum yard setback is not required to be open and will not prohibit a portion of the structure that is open on three sides from projecting into the required minimum yard setbacks per this subsection.

(3) Front and corner side yard requirements shall not apply to bus shelters, telephone booths, guardhouses or structures supporting a security or traffic control function.

(b) For accessory buildings or structures, no encroachment shall be permitted beyond the setback designated in that district for the accessory building or structure, provided that eaves may encroach three feet into the required setback.

(Code 1978, § 21.1-211)

Sec. 19-507. Height exemptions and limitations.

(a) In order to carry out the provisions of this ordinance, there are hereby established certain zones which include all of the area and airspace of the county lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Chesterfield County Airport. These zones are established as overlay zones, superimposed over the existing base zoning districts, being more specifically zones of airspace

that do not affect the uses and activities of the base zones except as provided for in this section. These zones are as follows:

(1) *Airport zone*: A horizontal zone that is centered about and above the runway, with the floor of the zone 387 feet above mean sea level.

(2) *Approach zone*: A sloping zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces. The lower surface of the approach zone equals the runway end elevation. The surface of the zone slopes upward as it extends away from the runway.

(3) *Transitional zone*: A sloping zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

(4) *Conical zone*: A sloping zone that circles around the periphery of and outward from the airport zone with the floor set by the conical surface. The lower surface of the conical zone touches the airport zone at an elevation of 387 feet above mean sea level and slopes upward and outward to an elevation of 587 feet above mean sea level.

(5) *Primary zone*: A generally horizontal zone that is centered about the runway. The surface of the zone is the same elevation as the elevation of the nearest point of the runway centerline.

(6) The source and the specific geometric design standards for these zones are to be found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

Footnote: A copy of this document may be reviewed in the Chesterfield Planning Department and the office of the Director of Aviation Services. The document may be purchased from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954 or by calling the Order and Information Desk at (202) 512-1800.

(b) Except as otherwise provided in this chapter, in any zone created by this article, no structure shall be erected, altered or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate at any point any referenced surface, also known as the floor, of any zone provided for in section (a). The county shall pay the cost of removing or trimming vegetation that is required to be removed or trimmed because it has penetrated any referenced surface.

(c) The height restrictions or floors for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations.

(d) The permitted heights of all buildings and structures shall be limited to prevent interference with the county's emergency communications system.

(e) For the purpose of subsections (a) through (d), "structure" shall mean any object, including a mobile object, constructed or created by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flagpoles and ship masts, signs, billboards, church spires, belfries, cupolas, domes, heat transfer units, monuments, tanks, chimneys, flues, antennae, grain elevators and derricks.

(f) Except for the height limits set forth in this section and the limitations of § 19-507.1, no other height limitation specified in the zoning ordinance shall apply to church spires, belfries, cupolas, domes, heat transfer units, tanks, monuments, water towers, chimneys, flues, amateur radio antennas, radio or television antennas, or similar structures having an aggregate area less than 25 percent of the ground floor building area; to the parapet walls or bulkheads extending not more than four feet above the limiting height of the building; or to grain elevators, derricks or other necessary industrial, utility or public service structures; provided that no such structure shall exceed a height as noted in the following chart:

District	Height	Comments
A	150	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section.
R or R-TH	50*	Subject to the required yards specified in section 19-555(1) for accessory buildings and structures. No structure shall penetrate the floor of any of the zones noted in this section. * Amateur radio antennas may be increased to a height of 75 feet in R and R-TH Districts subject to the yard requirements specified in section 19-555(1).
R-MF, O-1, or C-1	75	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.
Any other district	150	Subject to the required yards for principal structures of the respective zoning district. No structure shall penetrate the floor of any of the zones noted in this section.

(Va. Code §§ 5.1-25.1; 15.2-2294; Code 1978, § 21.1-212; Ord. of 4-22-98, § 1; Ord. of 12-16-98, § 1)

Sec. 19-507.1. Non-Interference with emergency communications system.

(a) On or after April 22, 1998, no structure 80 feet in height above ground level or taller shall be erected or located in the county, nor shall any structure be altered to such a height without submission to the county's public safety review team (including the police chief, or his designee; the fire chief, or his designee; and the communications/electronics supervisor, or his designee) for their review. If no detrimental impact to the county's radio communications system microwave paths is anticipated, the public safety review team shall release the structure for building permit, site plan approval, land disturbance permit or otherwise, within ten working

days after it has been officially submitted for approval. If any detrimental impact is anticipated by the public safety review team, they may condition release upon agreement by the developer, owner or agent to perform an engineering study, acceptable to the public safety review team, to determine whether there will be any detrimental impact and the nature and extent of such impact. In addition, the public safety review team may impose conditions deemed necessary to prevent interference with the microwave paths, including a guarantee in a form satisfactory to the county attorney, in an amount sufficient to correct any potential detrimental impact. Upon receipt of the engineering study, the public safety review team shall review it and any other evidence available to them and, as soon as practicable, shall determine whether a detrimental impact exists. If they determine that a detrimental impact exists, the developer, owner or agent: (i) shall redesign and relocate the structure so as to eliminate the detrimental impact, in a manner approved by the public safety review team or (ii) shall be responsible for all design, engineering, equipment and modification expenses necessary to eliminate such impact, to be conducted by a contractor approved by, and in a manner approved by, the public safety review team. In addition, the developer, owner or agent shall ensure that the county's radio communications system is maintained without interruption, in a manner approved by the public safety review team.

(b) For the purpose of this section, "structure" shall mean any object, including a mobile object, constructed or created by man, including but not limited to buildings, towers, cranes, smokestacks, earth formations, overhead transmission lines, flagpoles, ship masts, signs, billboards, church spires, belfries, cupolas, domes, heat transfer units, monuments, tanks, chimneys, flues, antennae, grain elevators and derricks.

(c) Any person aggrieved by any of the public safety review team's decisions under this section may appeal that decision pursuant to section 19-268.

(Ord. of 4-22-98, § 2)

Sec. 19-508. Protection of identified visual resources.

Development shall be designed to protect visual resources identified in the comprehensive plan against encroachment, degradation or destruction to the maximum extent practicable.

(Code 1978, § 21.1-212.1)

Sec. 19-508.1. Utility lines underground.

All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. Where transmission lines traverse the property proposed for subdivision, the subdivider shall not be required to place such line underground. This requirement shall apply to lines serving individual office, commercial and industrial sites as well as to utility lines necessary within projects.

(Ord. of 2-21-01, § 1)

Sec. 19-508.2. Requirements for manufactured home parks.

Manufactured home parks in all districts except MH-2 and MH-3 are subject to the standards for MH-1 districts found at County Code §§ 19-113 through 19-117.3.

(Ord. of 11-14-01, § 1)

Subdivision II. Parking

Sec. 19-509. Off-street parking.

(a) In all districts, sufficient off-street parking areas shall be provided in connection with and as an accessory use to each and every use on the premises to be served except as provided in § 19-608.

(b) Except within the area encompassed by the Bon Air Community Plan, parking facilities located on a lot other than the zoning lot on which the building or use to be serviced is located shall be zoned to permit the use for which the parking is intended to serve. The owner shall obtain a lease, the duration of which is acceptable to the director of planning, and record it with the circuit court clerk.

(Code 1978, § 21.1-213)

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

(a) Parking and storing recreational equipment in R, R-TH, MH and R-MF Districts:

(1) In all MH-2, MH-3, and R Districts, only two items of recreational equipment may be parked on a zoning lot for each dwelling unit thereon, outside of a totally enclosed building. Further, all recreational equipment shall be parked or stored in a rear yard, except for loading or unloading, and shall be set back at least ten feet from the rear lot lines and five feet from the side lot lines. No trailer or vehicle shall have its wheels removed except for repair purposes.

(2) No recreational equipment shall be used for living or business purposes or connected to utility services except for maintenance purposes.

(3) In R-TH, and R-MF Districts, parking and storing recreational equipment shall be prohibited unless a common storage area(s) is (are) provided for the parking. Parking spaces for recreational equipment and/or vehicles shall be in addition to that required for parking private vehicles. The storage area(s) shall be effectively screened from view.

(b) Truck Parking in R, R-TH, MH and R-MF Districts. No off-street parking area or other premises in an R, R-TH, MH and R-MF District, except on a farm where the parking is incidental to the farming use being conducted on the property, shall be used for the parking or

storage of any truck or commercial vehicle exceeding 4,000 pounds net weight and having more than two axles, except while loading or unloading on the premises.

(c) Parking areas for five or more vehicles on lots in A, R, MH and R-TH districts, which are not used for residential purposes, shall conform to the parking requirements as though the property were located in an O, C or I District.

(Code 1978, § 21.1-214; Ord. of 11-14-01, § 1)

Sec. 19-511. Compliance with regulations necessary before permit issued.

No occupancy permit shall be issued for any building erected, located, reconstructed, enlarged, converted or altered, or for any premises for which the use is changed, until the required parking spaces have been completed.

(Code 1978, § 21.1-215)

Sec. 19-512. Interpretation of specific requirements.

(a) For any use not listed, the requirements of the most similar listed use shall apply.

(b) Except for shopping centers, in the case of mixed use developments parking spaces shall be provided on the basis of the sum of the required spaces for each use, or based onsite design and the specific mix of uses. A reduction in the required number of parking spaces based on, shared use by activities having different time demands for spaces, and/or provision of pedestrian ways between uses, may be granted through site plan and/or schematic plan review.

(c) When fractional space results, the required number of parking spaces shall be rounded to the next highest whole number.

(Code 1978, § 21.1-216)

Sec. 19-513. Parking spaces required.

Except as provided for in section 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) Dwellings, to include single-family, two-family, multifamily, townhouses and manufactured homes outside of MH-1 zoning districts	2 for each dwelling unit
(2) Motels, hotels, boardinghouses	1 per bedroom
With lounges/restaurant	Add 1 per 150 square feet for such area

	With meeting facilities	Add 1 per 3 seats for such area
(3)	Rest homes and nursing homes	1 for each 4 beds
(b)	Educational Schools:	
(1)	Colleges, universities, senior high schools (grades 10--12)	1 for each employee, plus 1 for each 6 students (maximum at 1 time)
(2)	Elementary and junior high schools (grades 1--9)	5 plus 1 for each employee
(3)	Nursery schools and child care centers	1 for each 20 children enrolled up to a maximum of 6 spaces, plus 1 for each employee (see section 21.1-219(e)(2))
(c)	Places of Assembly:	
(1)	Churches and funeral parlors	1 for each 4 seats
(2)	Clubs, lodges and assembly halls without fixed seats	1 for each 100 square feet of floor area used for assembly
(3)	Stadium and arenas	1 for each 4 seats
(4)	Theaters, auditoriums and other places of public assembly with fixed seats	1 for each 3 seats
(d)	Hospitals	1.5 for each bed
(e)	Recreational:	
(1)	Driving ranges	1.2 for each driving tee
(2)	Golf courses	60 per 9 holes
(3)	Miniature golf courses	3 for each hole for the first 18 holes, plus 2 for each hole for the second 18 holes, plus 1 for each hole thereafter
(4)	Swimming pools	1 for each 90 square feet of combined swimming and wading areas
(5)	Tennis, racquetball, squash and handball courts	4 for each court
(6)	Volleyball courts	12 for each court
(7)	Other indoor commercial recreational facilities	1 for each 200 square feet of gross floor area
(f)	Vehicle Sales and Service:	
(1)	Self-service gasoline stations	1 for each 200 square feet of gross floor area for attendant's booth store, etc.
(2)	Motor vehicle service stations	3 plus 3 for each service bay

(3) Vehicle sales, service and rental establishments (to include bicycles)	1 per 400 square feet of enclosed sales, rental, office and parts floor area, plus 1 for each 2,500 square feet of open sales/rental display lot area, plus 3 for each service bay
(g) Office and Business:	
(1) Building supply or home centers	1 for each 400 square feet of gross floor area located within a building plus 1 per 2,000 square feet of outside storage
(2) Furniture and appliance store	1 per 750 square feet of gross floor area
(3) Kennel, commercial	1 for each 500 square feet of gross floor area, 5 spaces minimum
(4) Offices:	
a. Buildings have a gross floor area of 10,000 square feet or less	1 for each 200 square feet of gross floor area, 5 spaces minimum
b. Buildings having a gross floor area in excess of 10,000 square feet, but less than 50,000 square feet	1 for each 200 square feet of gross floor area for the first 10,000 square feet of gross floor area plus 1 for each 250 square feet in excess of 10,000 square feet
c. Buildings having a gross floor area in excess of 50,000 square feet, but less than 75,000 square feet	1 for each 200 square feet of gross floor area for the first 10,000 square feet of gross floor area plus 1 for each 250 square feet for the next 40,000 square feet, plus 1 for each additional 300 square feet in excess of 50,000 square feet
d. Buildings having a gross floor area of 75,000 square feet or greater	1 for each 200 square feet of gross floor area for the first 10,000 square feet of gross floor area, plus 1 for each 250 square feet for the next 40,000 square feet plus 1 for each additional 300 square feet for the next 25,000 square feet plus one for each additional 400 square feet in excess of 75,000 square feet
(5) Restaurants	1.5 per 100 square feet of gross floor area
(6) Drive-in and/or fast-food restaurants	2 per 100 square feet of gross floor area, 15 spaces minimum
(7) Retail stores, personal service and repair shops, banks, etc.	1 per 200 square feet of gross floor area
(8) Shopping centers or similar retail groups of buildings	4.4 per 1,000 square feet of gross floor area
(h) Business and Industrial:	
(1) Mini-warehouses	1 per employee, 5 spaces minimum

(2)	Office warehouses, when the office space is less than 50 percent of the gross floor area of the building and retail uses are permitted as an accessory use or if office space is more than 50 percent and retail uses are not permitted	1 per 400 square feet of gross floor area
(3)	Office warehouses, when the office space is more than 50 percent of the gross floor area of the building and retail use is permitted as an accessory use	1 per 300 square feet of gross floor area
(4)	Office warehouses, when the office space is less than 50 percent of the gross floor area and there is no retail space	1 per 750 square feet of gross floor area
(5)	Manufacturing and industrial plants, including related offices, laboratories, warehouses and storage	1 per employee up to 300, plus 1 per 2 employees in excess of 300; spaces to be computed based on maximum number of employees on site at any one time
(6)	Laboratories, research and development facilities, other than those related to manufacturing	1 per 300 square feet of gross floor area
(7)	Warehousing, wholesaling houses and distributors	1 per employee, plus 1 per 1,000 square feet of gross floor area, plus 1 per company vehicle (spaces to be computed on maximum number of employees onsite at any one time)
(8)	Go kart, bumper boats and similar facilities	1 for each 3 boats/karts that can be accommodated on the track/water at any one time
(9)	Sports/play fields	30 for each field

(i) Other:

(1)	Ambulance service or rescue squad	3 per motor vehicle operated for such use
(2)	Greenhouses, nursery centers, lawn and garden centers	1 per 200 square feet of gross floor area located within a building plus 1 per 700 square feet of gross area located in greenhouses or open storage/growing areas
(3)	Prepared food and fruit and vegetable vendors	5 for each vendor

(Code 1978, § 21.1-217; Ord. of 11-14-01, § 1)

Secs. 19-514. Design standards for off-street parking.

(a) *Size*. Each paved, off-street parking space shall be of such shape, location and design as to be effectively usable. Except for handicapped spaces, spaces shall have a minimum width of nine feet and a minimum depth of 18 feet. Gravel parking spaces, where permitted, shall be at least 200 square feet in area with a minimum width of ten feet.

(b) *Width*. Except as otherwise stated, driveway widths shall be as follows:

(1) Generally:

Traffic	*Two-Way Traffic*	*One-Way Traffic*
Between two rows of 90° parking	24	22
Between two rows of 60° parking	24	16
Between two rows of 45° parking	24	14
Serving a single row of 90° parking	22	18
Serving a single row of 60° parking	20	14
Serving a single row of 45° parking	20	12
Drives with no parking on either side	24	12

(2) For drives serving 30 or fewer vehicles and when parking is not provided on either side, the width for two-way drives can be reduced to 22 feet.

(3) For drives serving 15 or fewer vehicles and when parking is not provided on either side, the width for two-way drives can be reduced to 20 feet.

(c) *Driveway serving mini-warehouse facilities*. One-way drives serving mini-warehouse facilities shall be a minimum of 22 feet in width.

(d) *Surface treatment*:

(1) With the exception of: (i) single-family residential and farm uses; (ii) areas where track-mounted equipment is stored or displayed; (iii) property in I-2 and I-3 Districts; or (iv) areas for the storage of customer vehicles in motor vehicle storage/towing lots, driveways and parking areas shall be paved with concrete, bituminous concrete or other similar material. Except in I-2 and I-3 Districts, surface-treated parking areas and drives shall be prohibited. Areas where track mounted equipment is stored or displayed and areas for the storage of customer vehicles in motor vehicle storage/towing lots shall have a minimum surface of six inches of No. 21 or No. 21A stone.

Except as detailed in the Environmental Engineering Department's Reference Manual, concrete curb and gutter shall be installed around the perimeter of all paved driveways and parking areas. Other curbing material of similar quality, such as brick or cobblestone, may be permitted through site or schematic plan review. Drainage shall be designed so as not to interfere with pedestrian traffic.

(2) In I-2 and I-3 Districts, employee or visitor parking areas shall be surfaced with a minimum of a triple shot of tar and gravel. Other parking areas shall have a minimum surface of six inches of No. 21 or No. 21A stone.

(3) In all districts, for parking areas of four spaces or less, the area shall have a minimum surface of six inches of No. 21 or No. 21A stone.

(4) Except as detailed in the Environmental Engineering Department's Reference Manual, the perimeter of driveways and parking areas that do not utilize concrete curb and gutter shall be delineated by permanent means such as bumper blocks, railroad ties, timbers (having a minimum end dimension of six inches by eight inches) or similar such treatment. Delineation materials shall be secured with a minimum of two re-bars to the ground, pavement or other feature which is permanently attached to the ground.

(e) *Stacking lane requirements*. Stacking space shall be provided for any use having drive-through facilities or areas having drop-off and pick-up areas. Stacking spaces shall have a minimum length of 18 feet. Stacking spaces shall conform to the parking setback for the district in which the use is located. Stacking spaces shall be designed so as not to impede on- and off-site traffic movement or movement into and out of parking spaces. Stacking spaces shall be separated from other internal driveways with raised medians, as deemed necessary for traffic movement or safety, at the time of site plan review. Stacking spaces shall be provided as follows:

(1) *Banks or other financial institutions with drive-in windows*: Four stacking spaces for the first drive-in window plus two stacking spaces for each additional window.

(2) *Nursery schools and child and adult care centers*: Parking areas and driveways for nursery schools and child and adult care center activities shall be designed to provide an area for drop-off and pick-up. This area shall be connected to the main building by a sidewalk so that children need not to cross any driveway. Driveways, entrances and exits should be designed to maximize pedestrian safety. Further, if school age children are cared for, a sidewalk shall be provided from the building to an approved school bus pick-up and drop-off area.

(3) *Car washes*:

a. Automatic or drive-through car washes shall have a minimum of seven stacking spaces for each bay.

b. Self-service car washes shall have a minimum of three stacking spaces for each bay.

c. When a car wash is co-located with gasoline sales, a minimum of five spaces shall be provided.

(4) *Drive-in or fast-food restaurants*: Six stacking spaces for the first drive-in window, plus two stacking spaces for each additional window.

(5) *Other uses with drive-in windows such as dry cleaners, convenience stores, etc.*: Three stacking spaces for each window.

(Code 1978, § 21.1-219)

Secs. 19-515. Off-street loading requirements.

The director of planning shall determine required off-street loading spaces based on the frequency of deliveries, types of delivery vehicles, nature of the business, product delivered and or other factors relating to the use of the property.

(Code 1978, § 21.1-221)

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.

(Code 1978, § 21.1-222)

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

(a) At a minimum, a conceptual landscaping plan shall be submitted in conjunction with final site plan approval. A detailed landscape plan must be submitted and approved prior to the release of a temporary certificate of occupancy.

(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.

(Code 1978, § 21.1-223)

Secs. 19-518. Plant material specifications.

(a) *Quality*: All plant materials shall be alive and in a healthy condition. Plant materials shall conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by the American Association of Nurserymen.

(b) *Minimum size standards*:

(1) *Small deciduous trees*: Small deciduous trees shall be of a species that reach a minimum crown spread of greater than 12 feet within 10 years. At the time of planting, a minimum caliper of at least two and one-half inches shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum caliper shall be reduced to two inches. Multi-stem plants shall be a minimum of 8 feet tall.

(2) *Large deciduous trees*: Large deciduous trees shall be of a species that reach a minimum crown spread of greater than 30 feet within 20 years. At the time of planting, a minimum caliper of at least two and one-half inches shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum caliper shall be reduced to two inches. Multi-stem plants shall be a minimum of 10 feet tall.

(3) *Evergreen trees*: Evergreen trees shall be of a species that will reach a minimum height of 18 feet within 20 years. At the time of planting, a minimum height of seven feet shall be required. If a native species is selected from the Chesterfield County Plant Materials List, the minimum height shall be reduced to six feet.

(4) *Medium shrubs*: Medium shrubs shall be of a species that reach a minimum height of 3 feet in 5 years. A minimum height of eighteen inches shall be required at the time of planting.

(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 approval.

(d) *Tree preservation*: 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 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. Existing trees may have lower branches removed up to one third of the current height of each tree to provide visibility into the site. Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements as long as credited existing vegetation is reasonably distributed throughout the length of the setback 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*: The owner or his agent shall be responsible for the maintenance, repair and replacement of all required landscaping materials. All plant material shall be tended

and maintained in a healthy growing condition and free from refuse and debris at all times. All landscaped areas shall be provided with a readily available water supply; except that in I-2 or I-3 districts, a readily available water supply shall only be required in the setback along any public right-of-way, which accommodates or is intended to accommodate through traffic. Any of the following options may be used to eliminate part or all of the requirement for water availability to plant materials: (1) using plants specified as having a low water need in the Chesterfield County Plant Materials List, (2) plants located in stormwater management or BMP facilities, and/or (3) provide a continuous maintenance, watering, and replacement program for plant materials with a reputable landscape maintenance company for a minimum of three years. Prior to the end of a year after completion of landscaping, each site shall be inspected by the planning department to verify that existing and/or new landscaping is in a healthy growing condition. All unhealthy, dying or dead plant materials or pollarded trees shall be replaced during the next planting season.

(f) *Installation and bonding requirements*:

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

(2) When landscaping is required, no certificate of occupancy shall be issued until the required landscaping is completed in accordance with the approved landscaping plan. When the occupancy of a structure is desired prior to the completion of the required landscaping, a temporary certificate of occupancy may be issued only if the owner or developer provides a form of surety satisfactory to the director of planning in an amount equal to the costs of completing the required landscaping.

(3) All required landscaping shall be installed and approved by the first planting season following issuance of a temporary certificate of occupancy or the surety described above may be forfeited to the county. This requirement shall not preclude the phasing of landscaping programs for larger development projects, the timing of which shall be approved by the director of planning.

(4) A form of surety shall also be provided in an amount equal to fifty percent of the installation cost to cover replacement of landscaping identified by the one year inspection by the planning department of all unhealthy, dying or dead plant materials or pollarded trees, and which shall be replaced during the next planting season. If a form of surety is provided for landscaping prior to the initial site landscaping, the surety may also state replacement landscaping is covered as noted above. Any project that requires a landscape materials cost of one thousand dollars ($1,000.00) or less shall not be required to post a landscape replacement bond.

(5) The County may, at its discretion, establish a program in lieu of a replacement bond to ensure that all plants identified for replacement by the County's one-year inspection have been replaced.

(g) *Perimeter landscaping*: Landscaping shall be required at the outer boundaries of projects and in the required yards of a lot, parcel or development, except when driveways or other openings may be required. There shall be different landscaping requirements in yards and parking areas, as identified herein and in the particular districts, which shall be provided as follows:

(1) *Perimeter landscaping A*:

a. At least one small deciduous tree for each 50 lineal feet and at least one evergreen tree for each 50 lineal feet;

b. At least one medium shrub for each 20 lineal feet; and

c. Low shrubs and ground cover used appropriately in tree and/or shrub beds.

(2) *Perimeter landscaping B (option I)*:

a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;

b. At least one small deciduous tree for each 50 lineal feet;

c. At least one medium shrub for each 15 lineal feet; and

d. Low shrubs and ground cover used appropriately in tree and/or shrub beds.

(3) *Perimeter landscaping B (option II)*:

a. Adjacent to a public road: An average three-foot high undulating berm with 3:1 maximum side slopes designed to provide topographical interest yet maintain reasonable visibility into parking areas; and installation of Perimeter Landscape B minus small deciduous trees. If overhead utility lines conflict with large deciduous trees, planting areas or islands shall be installed adjacent to the setback with a minimum size of 300 square feet per required tree. In this case, each tree may also be credited towards the surface parking lot tree requirements.

b. In side and rear yards between parcels zoned O, C or I: Large maturing deciduous trees generally spaced thirty-five feet on center with evergreen shrub hedgerows planted the length of adjacent

parking areas that grow to or are maintained at a 3-4 foot height maximum.

(4) *Perimeter landscaping C (option I)*:

a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;

b. At least one small deciduous tree for each 30 lineal feet;

c. At least one medium shrub for each ten lineal feet; and

d. Low shrubs and ground cover used appropriately in tree and/or shrub beds.

(5) *Perimeter landscaping C (option II)*:

a. Adjacent to a public road: An average three-foot high undulating berm with maximum side slopes of 3:1 designed to provide topographical interest yet maintain reasonable visibility into parking areas; and installation of Perimeter Landscape B. If overhead utility lines conflict with large maturing deciduous trees, planting areas or islands shall be installed adjacent to the setback with a minimum size of 300 square feet per required tree. In this case, each tree may also be credited towards the surface parking lot tree requirements.

b. In buffers: A minimum four-foot-high berm with 3:1 maximum side slopes and Perimeter Landscape B. Multiply Perimeter Landscape B as required for buffers fifty feet or wider.

(6) *Perimeter landscaping D*:

a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;

b. At least one small deciduous tree for every 50 lineal feet;

c. At least one medium shrub for every five lineal feet; or continuous hedge forms for the entire lot width or a continuous picket fence for the entire lot width, no shorter than three feet and no taller than four feet, painted white or whitewashed; and

d. Low ground cover interspersed into tree and/or shrub beds.

(7) *Perimeter landscaping E*:

a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;

b. At least one small deciduous tree for every 30 lineal feet;

c. At least one medium shrub for every five lineal feet; or continuous hedge forms for the entire lot width, no shorter than three feet at planting; or a continuous decorative wood or pvc fence, wrought-iron fence or brick wall for the entire lot width, no shorter than three feet and no taller than four feet; and

d. Low shrubs and ground cover interspersed into tree and/or shrub beds.

(8) *Perimeter landscaping F*:

a. At least one large deciduous tree for each 50 lineal feet and at least one evergreen tree for each 30 lineal feet;

b. At least one small deciduous tree for every 30 lineal feet;

c. Continuous hedge forms for the entire lot width, no shorter than three feet at planting; or a continuous screening fence or wall constructed of the same materials used in the buildings for the entire lot width, no shorter than five feet and no taller than six feet; and

d. Low shrubs and ground cover interspersed into tree and/or shrub beds.

(9) *Perimeter landscaping G*:

a. At least one large deciduous tree for each 50 lineal feet;

b. Continuous evergreen hedge forms that grow to or are maintained at a 3-4 foot height maximum planted along the entire length of parking lot areas; and

c. Low shrubs and ground cover interspersed into tree and/or shrub beds.

(10) *Perimeter landscaping H*:

a. At least one large deciduous tree for each 50 lineal feet.

(11) *Perimeter landscaping I*:

a. At least one and one-half (1.5) times perimeter landscaping C (option I).

(12) Perimeter landscaping J:

a. One large deciduous tree generally spaced at 35 feet on center, and

b. A double staggered hedgerow of evergreen medium shrubs for the full length of all parking areas, and

c. Low shrubs and/or groundcovers in planting beds at entrances.

During plan review, the director of planning may consider, at his option, other planting alternatives to Perimeter landscaping J based upon reduced averaged setbacks, utility conflicts, and/or signage visibility.

(h) *Street trees*: During the subdivision process, required street trees shall be shown on a plan showing the proposed tree locations, species and caliper, and submitted to and approved by the director of planning and VDOT. The street tree plan shall be submitted as a part of the construction plans.

(1) Unless otherwise required, trees at a maximum spacing of 40 feet on center shall be located no greater than five 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.

(2) 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 within a subdivision shall be completed prior to state acceptance of the subdivision's streets.

(3) Required street trees shall be guaranteed by the installer for a period of not less than one year. Replacement of dead trees is required in accordance with section 19-518(d). Maintenance responsibilities of the required street trees within a subdivision shall be specified on the final check plan and record plat to be the responsibility of the homeowners association. Street trees shall not be removed during or after residences are constructed. Trees removed shall be replaced with a like species and in a size comparable to the original planting.

(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.

(Code 1978, § 21.1-224; Ord. of 6-24-98, § 1; Ord. of 4-28-99, § 1; Ord. of 2-21-01, § 1)

Sec. 19-519. Landscaping standards for surface parking areas.

(a) *Quantity*: Any paved parking area shall have at least 30 square feet of interior landscaping for each space. Each required landscaped area for large deciduous trees shall contain a minimum of 250 square feet and have a minimum dimension of at least 15 feet at the location of a tree. Each required landscaped area for small deciduous trees shall contain a minimum of 150 square feet and have a minimum dimension of at least nine feet at the location of a tree. Continuous planting islands for large or small deciduous trees of at least 600 square feet in size shall have a minimum dimension of nine feet. A maximum of ten percent of the required area may be in smaller areas if approved through site or schematic plan review.

(b) *Materials*: The primary landscaping material used in parking areas shall be trees that provide shade or are capable of providing shade at maturity. Except as required by section 19-608(b), at least fifty percent of required trees in the parking areas shall be large maturing shade trees. The total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area. The remaining area shall be landscaped with shrubs and other vegetative material as may be approved at the time of site plan approval compatible with the tree landscaping. Under no circumstances shall plantings block the sight line of motorists at driveway intersections.

(c) *Design*: Landscaped areas shall be reasonably dispersed, located so as to divide the expanse of paving. The County encourages the use of continuous planting islands wherever possible to minimize individual planting islands. Continuous planting islands shall be used to define entrance driveways, and within parking areas, walkways. No areas within the required setbacks shall be included as part of the required parking area or landscaping area. Landscaping in Best Management Practice bio-retention islands located within parking areas shall count towards required parking lot landscaping.

(Code 1978, § 21.1-225)

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; and/or maintain privacy. Buffers shall provide intermittent visual separation between uses.

(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.

(Code 1978, § 21.1-226)

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.

(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, 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.

(e) Unless otherwise specified, buffers shall be inclusive of required yards.

(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.

(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.

(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.

(j) 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.

(Code 1978, § 21.1-227)

Secs. 19-522. Buffer and screening requirements.

(a) *Buffers*: Buffers shall be provided as shown on the buffer width matrix 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.

(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.

(Code 1978, § 21.1-228)

Secs. 19-523. 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 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	+	50
I-2	+	75
I-3	+	100

*Note: 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.

**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.

(Code 1978, § 21.1-229; Ord. of 11-14-01, § 1)

Subdivision V. Access and Internal Circulation--Nonresidential or Mixed-Use Developments

Secs. 19-524. Purpose and intent.

The purpose and intent of this division is to regulate nonresidential or mixed-use developments in order to maintain or improve the level of service of roads; to minimize the number of access points to roads; to promote the sharing of access and the ability of travel between sites; to ensure that development is of a scale proportionate to the capacity of existing and proposed transportation facilities; to ensure that appropriate traffic mitigation measures are provided; to provide pedestrian circulation networks among residential, commercial, and recreational areas; and to enhance safety and convenience for the public. To these ends, implementation of an approved transportation systems management plan is encouraged.

(Code 1978, § 21.1-256)

Secs. 19-525. Access to arterials and collectors.

(a) Direct access to arterials and collectors shall be approved by the director of transportation.

(b) Unless an access plan is submitted to and approved by the director of transportation for more than one access to a parcel or lot:

(1) Any parcel or lot in existence prior to August 12, 1987, that has frontage along an arterial or collector shall be permitted only one direct access from the parcel or lot.

(2) No assembly of two or more parcels that were in existence prior to August 12, 1987, and that are subsequently placed under one ownership, control and/or maintenance shall be permitted more than one direct access from the combined parcels or lots.

(c) Direct access shall be provided by, but not limited to, one or more of the following means, as determined by the director of transportation:

(1) Access to the parcel may be provided by an existing or planned public right-of-way, a special access street, and/or a private drive.

(2) Access to the site may be provided through the internal circulation of a shopping center, office complex, or similar group of buildings having access in accordance with an approved access plan.

(3) Access may be individual or shared.

(Code 1978, § 21.1-257)

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 tentative 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.

(Code 1978, § 21.1-258)

Secs. 19-527. Internal circulation.

All developments shall have direct and convenient vehicular circulation onsite and between adjacent properties, unless otherwise permitted by the director of transportation.

(Code 1978, § 21.1-259)

Secs. 19-528. Access plan.

Any access plan submitted to the director of transportation, in accordance with this article, shall be drawn to scale and shall include the following information, as deemed necessary by the director of transportation: (i) dimensions and distances; (ii) the traffic and pedestrian circulation system; (iii) the location and width of all streets, crossovers, driveways, access aisles, entrances to parking areas, and pedestrian ways; and (iv) any other information required by the director of transportation.

(Code 1978, § 21.1-260)

Secs. 19-529. Traffic impact analysis.

Unless the director of transportation approves specific mitigating road improvements without a traffic impact analysis, then a traffic impact analysis shall be submitted to, and approved by, the director of transportation under these circumstances:

(1) For any proposed development which is expected to generate 10,000 average daily trips (ADT) or more, based on trip generation rates as defined by the Institute of Transportation Engineers' publication, "Trip Generation,"as amended.

(2) When the proposed development is expected to significantly impact the transportation network.

(Code 1978, § 21.1-261)

Secs. 19-530. Required improvements--General provisions.

(a) The director of transportation shall determine the improvements necessary to accommodate a proposed development in accordance with, but not limited to, the following:

(1) Conformance with the thoroughfare plan or other planned transportation facilities.

(2) Maintenance of a minimum D level of service based upon a twenty-year traffic demand projection, as provided by the director of transportation, or in designated areas, no level of service below that which currently exists.

(3) Safe and efficient access.

(b) The developer shall be responsible for provision of improvements, the need for which is generated by the development, as determined by the director of transportation.

(c) The director of transportation shall be responsible for determining the functional classification of roadways.

(d) The director of transportation may establish maximum densities to achieve acceptable levels of service, as outlined in this division.

(Code 1978, § 21.1-262)

Secs. 19-531. Pedestrian access.

Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments.

(Code 1978, § 21.1-263)

Secs. 19-532. Appeals of decision of director of transportation.

Any person aggrieved by the director of transportation's decision may appeal the decision in accordance with section 19-268.

(Code 1978, § 21.1-264)

Secs. 19-533--19-550. Reserved.

DIVISION 2. DEVELOPMENT REQUIREMENTS--RESIDENTIAL, TOWNHOUSE RESIDENTIAL, MULTIFAMILY RESIDENTIAL AND AGRICULTURAL

Subdivision I. General Provisions, Development Requirements--Countywide

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

(a) Unless otherwise specified and except for farm buildings, a lot outside 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. After February 27, 2001, lots within a subdivision shall have street frontage of at least 50 feet upon a local street or 30 feet on 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. Where 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.

No lot or parcel abutting the terminus line of a public street shall be considered to have frontage unless it fronts for at least 30 feet on a recorded cul-de-sac or the stub street is not anticipated to be extended is approved, through the tentative or minor subdivision plat review process, by the planning commission or the directors of the planning and transportation departments as frontage.

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.

(b) Unless otherwise specified, no permit for erecting, moving or converting any building on a 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.

(Code 1978, § 21.1-230; Ord. of 9-25-96(5); Ord. of 2-21-01, § 1; Ord. of 11-14-01, § 1)

Sec. 19-552. One main building on each residential, manufactured home or agricultural lot.

Except in the case of planned developments, every principal, detached residential building structure, including a permanent manufactured home, hereafter erected, installed or structurally altered on a lot shall be located in a R, R-TH, MH-2, MH-3 or A district, and in no case shall there be more than one such building per lot, unless otherwise permitted in this article.

(Code 1978, § 21.1-231; Ord. of 9-25-96; (6); Ord. of 11-14-01, § 1)

Sec. 19-553. Residential, townhouse residential, manufactured home and multifamily residential land not to be used for commercial access.

No portion of any parcel or lot which is located in any R, R-TH, MH or R-MF District shall be used for access (except public roads) to any land which is located in an O, C or I district, or used for any purposes not permitted in any R, R-TH, MH or R-MF District.

(Code 1978, § 21.1-232; Ord. of 11-14-01, § 1)

Sec. 19-554. Fences in residential, multifamily residential, manufactured home and townhouse residential districts.

In R, R-MF, MH and R-TH districts, unless otherwise specified, no fence or wall more than four feet high shall be permitted in any front or corner side yard, nor shall any fence or wall more than seven feet high be permitted in any side or rear yard. On a corner lot, no structure or planting which might obstruct vision between a height of two feet six inches and a height of eight feet above the established curb grade shall be permitted within a distance of 20 feet in either direction from the corner. At intersections of driveways with streets, no structure or planting which might obstruct vision between a height of two feet six inches and a height of eight feet shall be permitted within a visibility triangle created by measuring ten feet in from the intersection of a driveway boundary and property lines away from the driveway with the ends of the two ten-foot lines connected in a straight line to form the visibility triangle. The above-mentioned heights shall be computed based on the elevation of the driveway that is perpendicular and adjacent to that portion of the structure or planting. Beyond the visibility triangle, there shall be no locational requirements for fences.[1]

(Code 1978, § 21.1-234; Ord. of 11-14-01, § 1)

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

Except as indicated in this section, the yard requirements for permitted uses shall apply to the accessory buildings and structures.

(1) In R, MH-2 and A Districts and in R-TH Districts identified in section 19-106, one-story detached accessory buildings, accessory structures which have a roof or any structures specified in section 19-507(f) except amateur radio antennas in excess of 50 feet in height shall observe a side yard setback not less than half the required side yard for a permitted use; a front yard setback of the lesser of half the average depth of the lot or 80 feet; and a rear yard setback of not less than ten feet; except that an accessory building or structure which as a roof located on a through lot shall meet a rear yard setback of not less than 30 feet and an accessory building or structure which has a roof located on a corner lot shall observe a corner side yard setback not less than the required front yard setback for a permitted use.

[1] Property owners are advised to check easement locations before installing fences.

In any R District, amateur radio antennas in excess of 50 feet, but no greater than 75 feet, in height, shall conform to the side and rear yard setback requirements for principal structures of the respective zoning district and a front yard setback of the lesser of half the average depth of the lot or 80 feet. Provided, however, the antenna may be attached to the side or rear of the principal structure if the principal structure meets the setback requirements of the respective zoning district.

In any R-TH District, amateur radio antennas in excess of 50 feet, but no greater than 75 feet, in height, shall be attached to the side or rear of the principal structure.

(2) Except for the R-TH Districts identified in section 19-106, in R-TH Districts attached and detached carports, garages, storage buildings or other similar accessory structures are permitted on individual lots and shall observe the front, side and corner side yard setback for the principal building. No rear yard setback shall be required.

To ensure adequate usable open space on each lot, one wall of any such accessory structure must abut an interior side property line. A privacy yard having a minimum size of ten by 25 feet shall be maintained on each lot where there are such structures. An accessory structure in an R-TH District shall cover no more than 45 percent of the required rear yard.

(3) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building having more than one story shall observe an interior side yard not less than the side yard required of the permitted use; a rear yard setback of not less than half the required rear yard for a permitted use, except that a building located on a through lot shall meet a rear yard setback of not less than 30 feet; a corner side yard setback of not less than the front yard requirement for a permitted use; and a front yard setback the lesser of half of the average depth of the lot or 80 feet.

(4) In R, MH and A Districts and lots in R-TH Districts identified in section 19-106, a detached accessory building shall cover no more than 20 percent of the required rear yard.

(5) In R, MH-2 and A Districts and lots in R-TH Districts identified in section 19-106, carports attached to single-family dwellings shall observe interior side yard setbacks not less than half the required side yard in that district, but in no case less than five feet.

(Code 1978, § 21.1-236; Ord. of 12-16-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-556. Heights--Agricultural, residential, townhouse residential, manufactured home and multifamily residential.

The maximum height of all buildings and structures shall be as follows, unless otherwise provided in section 19-507 or in section 19-557:

(1) R-88, R-40, R-25, R-15, R-12, R-9, R-7, MH-1, MH-2, MH-3, R-TH and R-MF districts:

a. All buildings or structures other than accessory and multifamily: Three stories or 40 feet, whichever is less.

b. Multifamily: All buildings and structures except for accessory and those projects listed in section 19-112, six stories or 70 feet, whichever is less.

c. Accessory buildings and structures: One-half the height of the principal building or 25 feet, whichever is greater. Further, in R-TH Districts, except those lots listed in section 21.1-100(a), no windows, doors or other similar openings shall be permitted above one story or ten feet, whichever is less. In R-TH Districts, except those specified in section 19-106, accessory buildings or structures that abut a common side property line shall maintain a solid wall (having no windows, doors or other similar openings) along said adjoining property line.

(2) A districts:

a. All buildings or structures other than farm or accessory: Three stories or 40 feet, whichever is less.

b. Farm accessory buildings and structures: 50 feet.

c. Accessory buildings or structures: One-half the height of the principal building or 25 feet, whichever is greater.

(Code 1978, § 21.1-237; Ord. of 12-16-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-557. Heights--Agricultural, residential, townhouse residential, manufactured home and multifamily residential in village districts.

The maximum height of all buildings and structures shall be as follows, unless otherwise provided in section 19-507:

(1) Midlothian Village Core, Chester Village Corridor East:

a. All buildings or structures, other than accessory: Two and one half stories or 30 feet, whichever is less.

b. Accessory buildings or structures: One-half the height of the principal building or structure or 25 feet, whichever is greater. Further, in R-TH Districts, except those lots listed in section 19-106(a), no windows, doors or other similar openings shall be permitted above one story or ten feet, whichever is less. Accessory buildings or structures that abut a common side property line shall maintain a solid wall (having no windows, doors or other similar openings) along said adjoining property line.

(2) All other village district areas:

a. All buildings or structures other than accessory: Three stories or 40 feet, whichever is less.

b. Accessory buildings or structures: Half the height of the principal building or 25 feet, whichever is greater. Further, in R-TH Districts, except those lots listed in section 19-106(a), no windows, doors or other similar openings shall be permitted above one story or ten feet, whichever is less. Accessory buildings or structures that abut a common side property line shall maintain a solid wall (having no windows, doors or other similar openings) along said adjoining property line.

(Code 1978, § 21.1-237.1; Ord. of 12-16-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-558. Architectural standards-- Agricultural, residential, townhouse residential and multifamily residential in village districts.

All buildings and structures, except dwellings and their accessory structures, shall comply with the architectural standards set forth in section 19-611.

(Code 1978, § 21.1-237.2)

Sec. 19-559. Required homeowners' association.

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

(1) There is to be commonly held property or open space;

(2) There 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 an 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;

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

a. Payment of taxes on commonly held property.

b. Fund 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 directors 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.

(5) The maintenance responsibilities of the homeowners' association of commonly held property containing streets/alleys/vehicular/pedestrian access ways, and/or sidewalks that are not maintained by the county or VDOT shall be detailed in the restrictive covenants.

(d) The final check and record plats 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 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.

(Ord. of 2-21-01, § 1)

Secs. 19-560--19-569. Reserved.

DIVISION 3. DEVELOPMENT REQUIREMENTS--OFFICE, COMMERCIAL AND INDUSTRIAL

Subdivision I. General Provisions, Development Requirements--Countywide

Sec. 19-570. Architectural treatment.

(a) Prior to the approval of any site plan for a project, the developer shall submit for approval documents that define the overall architectural theme of the project. The architectural theme is a written and/or graphic description of the planned architectural treatment of all buildings within a project. The theme shall describe how exterior materials, colors, architectural style and building scale shall be employed to establish a consistent architectural treatment for the project. Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

(b) All junction and accessory boxes except those in I-2 and I-3 districts and those not visible from beyond the project shall be minimized from view of adjacent property and public rights-of-way by landscaping or architectural treatment integrated with the building served. In I-2 and I-3 districts, junction and accessory boxes need not be minimized from view of any I-2 or I-3 district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.

(c) Mechanical equipment, whether ground-level or rooftop, shall be screened from view of adjacent property and public rights-of-way and designed to be perceived as an integral part of the building, except as stated herein. In I-2 and I-3 districts, mechanical equipment need not be screened from view of any I-2 or I-3 district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.

(Code 1978, § 21.1-248; Ord. of 6-24-98, § 3; Ord. of 4-10-02, § 1)

Sec. 19-571. Reserved.

Editor's note: § 2 of an ordinance adopted February 21, 2001 deleted former § 19-571, which pertained to utility lines underground, and derived from the Code of 1978, § 21.1-238, and an ord. of 6-24-98, § 1.

Sec. 19-572. Loading areas.

Sites shall be designed and buildings shall be oriented in accordance with division 1, subdivision IV, of this manual so that loading areas are screened: (i) from view of any adjacent properties on which such uses are not permitted; (ii) from property in an A district that is designated on the comprehensive plan for a district in which loading areas are not permitted; and (iii) from any public right-of-way, except for limited access roads. The view of loading areas shall be minimized from limited access roads. Views may be minimized through site and

architectural design, topography, landscaping, setbacks or other features. In I-2 and I-3 districts, loading areas need not be screened from view of any I-2 or I-3 district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements.

(Code 1978, § 21.1-239; Ord. of 6-24-98, § 1)

Sec. 19-573. Exterior lighting.

All exterior lights shall be arranged and installed so that the direct or reflected illumination does not exceed five-tenths footcandle above background, measured at the lot line of any adjoining A, R, R-TH, MH or R-MF district. Except in village districts where light standards may be required to be compatible with unique architectural styles, lighting standards shall be of a directional type capable of shielding the light source from direct view from any adjoining A, R, R-TH, MH or R-MF district or public right-of-way.

(Code 1978, § 21.1-240; Ord. of 11-14-01, § 1)

Sec. 19-574. Outdoor recreational playfields, grounds and facilities.

All outdoor recreational playfields, grounds and facilities and associated fences or enclosures shall conform to the required front and corner sideyard building setbacks for the district in which they are located.

Sec. 19-575. Outside storage areas.

All outside storage areas shall be screened, in accordance with division 1, subdivision IV, of this manual: (i) from view of any adjacent properties on which such uses are not permitted; (ii) from property in an A district that is designated on the comprehensive plan for R, R-TH, R-MF, A, O, MH or I-1 districts; and (iii) from public rights-of-way. The view of outside storage areas shall be minimized from limited access roads. Views may be minimized through site and architectural design, topography, landscaping, setbacks or other features. In I-2 and I-3 districts, outside storage areas need not be screened from view of any I-2 or I-3 district or from any public right-of-way which does not accommodate or is not intended to accommodate through traffic movements. Outside storage shall include, but not be limited to, parking of all company-owned and -operated vehicles, with the exception of passenger vehicles and trucks designed such that the cargo area may be accessed from the driver's seat without exiting the vehicle.

(Code 1978, § 21.1-241; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-576. Major arterials--Yards.

(a) *Buildings and structures*: Adjacent to major arterials where there is an existing principal building or structure on both sides of, and within 200 feet of, a proposed principal building in the same block, the proposed principal building need be set back only as far as the average setback of the existing principal building. If there is no existing building within 200 feet on one side in the same block, the setback of the existing building may be averaged with the required setback of the district. However, no building shall be set back less than 15 feet from a

proposed right-of-way line. When averaging setbacks, no existing building shall be considered to have a setback of less than zero.

(b) *Parking*: The setback for parking areas may be calculated in the same fashion using existing parking areas to average.

(Code 1978, § 21.1-242. 1)

Sec. 19-577. Setback and yard requirements adjacent to railroads or navigable waterways.

Required setbacks or yards shall be eliminated adjacent to a railroad. If required setbacks or yards are adjacent to a navigable waterway, there shall be no setback or yard required for any building or structure which is dependent upon the navigable waterway. Nothing in this section shall supersede the provisions of floodplain districts; Chesapeake Bay preservation areas; or the Upper Swift Creek watershed.

(Code 1978, § 21.1-243)

Sec. 19-578. Yard requirements and other development standards adjacent to A, R, R-TH, MH and R-MF districts where A, R, R-TH, MH and R-MF property is occupied by or zoned for nonresidential or nonagricultural use.

If property in an O, C or I district is adjacent to property in an A, R, R-TH, MH or R-MF district and the latter property is occupied by or zoned for a nonresidential or nonagricultural use without a time limit, the variations in yard requirements and other development standards specified by this chapter where adjacent to O, C or I districts shall be permitted.

(Code 1978, § 21.1-243.1; Ord. of 11-14-01, § 1)

Subdivision II. Development Requirements--Specified Areas

Sec. 19-579. Purpose and intent.

The purpose of this subdivision is to recognize specified areas of the county as unique and to enhance patterns of development in those areas through the implementation of adopted plans and guidelines which mandate particular development requirements for such areas.

(Code 1978, § 21.1-243.3)

Sec. 19-580. Specified areas.

(a) The Highway Corridor District shall include those lands identified on the zoning district map or otherwise described below that include:

(1) The Jefferson Davis Highway corridor;

(2) The Route 360 corridor east;

(3) The Route 360 corridor west, which shall consist of Hull Street Road, extending from Courthouse Road to the Amelia County line, including all land to a depth of 1500 feet from the centerline of Hull Street Road, unless the parcel or project extends further than 1500 feet, in which case these requirements shall apply to the entire parcel or project;

(4) The Route 10 corridor east;

(5) The Old Stage and Coxendale Roads corridor; and

(6) The Courthouse Area Design District.

(b) The Employment Center District shall include all lands identified on the Route 288 Corridor Plan that include:

(1) Regional employment center.

(c) The Enon Core District shall include those lands identified on the zoning district map.

(Ord. of 4-22-98, § 1; Ord. of 4-28-99, § 1; Ord. of 4-10-02, § 1)

Sec. 19-581. General development standards.

Except for the development standards contained in the Highway Corridor District, the Employment Center District and the Enon Core District, which shall apply to property within those districts, all applicable county-wide, emerging growth or post-development standards shall be met.

(Ord. of 4-28-99, § 1)

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

(a) *Parking*: Parking requirements in the Jefferson Davis Highway Corridor shall be calculated based on section 19-513 or based on four and four-tenths spaces per 1,000 square feet of gross floor area, the lesser of the two. Improved, designated parking spaces in a public right-of-way may be counted toward the required number of parking spaces when more than one-half of each such space adjoins the site. Further, the required number of parking spaces may be reduced by ten percent if the development contains a pedestrian way system that connects to existing walkways or that may be connected to future walkways.

(b) *Landscaping*: No interior parking lot or perimeter landscaping shall be required except along public roads, as required by Sec. 19-583 and 19-584. Tree preservation, in accordance with sections 19-518(d) and 19-521(b) shall be required, except where parking or driveways are located within 10 feet of the ultimate right-of-way line.

(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.

(Ord. of 11-14-01, § 1)

Sec. 19-583. Setback requirements for O, C and I-1 Districts within the Jefferson Davis Highway Corridor.

(a) The minimum setback for all buildings, drives and parking areas in O, C and I-1 districts shall be as follows:

(1) Setbacks along public roads, excluding limited access roads:

a. *Buildings*: The minimum setback shall be 25 feet. Perimeter landscaping H shall be installed in all front and corner side setbacks except when

parking or driveways are located less than 10 feet from the ultimate right-of-way line.

b. *Drives and parking*: For parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length, a minimum 10 feet setback shall be maintained and planted with Perimeter Landscape H. Alternatively, a setback of 5 feet may be used with small maturing trees planted generally at 35 feet on center. This setback may be eliminated entirely if the site is designed to provide for tree islands spaced every 4 parking spaces adjacent to the public right of way with a minimum width of 7 feet and planted with small maturing trees. The minimum setback for parking and storage of other vehicles shall be 50 feet with driveways accessing these parking and storage areas having a minimum setback of 10 feet with Perimeter Landscape H.

(2) *Setbacks along limited access roads*: All buildings, drives and parking areas shall have a minimum 40 foot setback from the proposed rights-of-way of limited access roads as indicated on the comprehensive plan. Within this setback, landscaping shall be provided in accordance with perimeter landscaping C.

(3) *Side setbacks*:

a. When abutting an O, C or I District, there shall be no minimum setback for buildings, drives and parking areas.

b. *Buildings*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, the minimum setback shall be 20 feet. This setback shall be eliminated by the director of planning, provided there are no openings in the wall of the office, business or industrial building facing the property line, except those required by the fire marshal.

c. *Drives and parking*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, there shall be no minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length, unless the adjacent property is occupied by a dwelling. If the adjacent property is occupied by a dwelling, the minimum setback shall be increased to ten feet unless a solid screen or fence at least four feet high is installed. The minimum setback for parking and storage of other vehicles shall be 30 feet.

d. Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for residential uses, the minimum setback for buildings shall be 20 feet. The minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers

and RV's less than 25 feet in length shall be ten feet. The minimum setback for parking and storage of other vehicles shall be 30 feet.

(4) *Rear setbacks*:

a. When abutting an O, C or I District, there shall be no minimum setback for buildings, drives and parking areas.

b. Buildings: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, the minimum setback shall be 30 feet. This setback shall be eliminated by the director of planning, provided there are no openings in the wall of the office, business or industrial building facing the property line, except those required by the fire marshal.

c. Drives and parking: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, there shall be no minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length unless the adjacent property is occupied by a dwelling. If the adjacent property is occupied by a dwelling, the minimum setback shall be increased to 25 feet unless a solid screen or fence at least four feet high is installed. The minimum setback for parking and storage of other vehicles shall be 40 feet.

d. Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for residential uses, the minimum setback for buildings shall be 30 feet. The minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length shall be 25 feet. The minimum setback for parking and storage of other vehicles shall be 40 feet.

(5) Setbacks for gasoline pumps, ATM's and other fully automatic self-operated equipment: The setbacks for those uses and drives serving those uses shall be the same as those for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length.

Sec. 19-584. Setback requirements for I-2 and I-3 Districts within the Jefferson Davis Highway Corridor.

(a) *Jefferson Davis Highway Corridor*: The minimum setbacks for all buildings, drives and parking areas in I-2 and I-3 districts shall be as follows:

(1) Setbacks along public roads, excluding limited access roads:

a. *Buildings*: The minimum setback shall be 60 feet.

b. *Drives and parking*: For parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length, a 10 feet setback shall be maintained and planted with Perimeter Landscape H. Alternatively, a setback of 5 feet may be used with small maturing trees planted generally at 35 feet on center. This setback may be eliminated entirely if the site is designed to provide for tree islands spaced every 4 parking spaces adjacent to the public right of way with a minimum width of 7 feet and planted with small maturing trees. The minimum setback for parking and storage of other vehicles shall be 50 feet with driveways accessing these parking and storage areas having a minimum setback of 10 feet with Perimeter Landscape H.

(2) *Setbacks along limited access roads*: All buildings, drives and parking areas shall have a minimum 40 foot setback from the proposed rights of way of limited access roads as indicated on the comprehensive plan. Within this setback, landscaping shall be provided in accordance with perimeter landscaping C.

(3) *Side setbacks*:

a. *Buildings*: The minimum setback shall be 30 feet.

b. *Drives and parking abutting O, C, or I Districts*: When abutting an O, C, or I District, there shall be no minimum setback.

c. *Drives and parking, nonresidential uses*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, there shall be no minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length unless the adjacent property is occupied by a dwelling. If the adjacent property is occupied by a dwelling, the minimum setback shall be increased to ten feet unless a solid screen or fence at least four feet high is installed. The minimum setback for parking and storage of other vehicles shall be 30 feet.

d. *Drives and parking, residential uses*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for residential uses, the minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length shall be ten feet. The minimum setback for parking and storage of other vehicles shall be 30 feet.

(4) *Rear setbacks*:

a. *Buildings*: The minimum setback shall be 30 feet.

b. *Drives and parking, abutting O, C, or I District*: When abutting an O, C or I District, there shall be no minimum setback.

c. *Drives and parking, nonresidential uses*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for nonresidential uses, there shall be no minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length unless the adjacent property is occupied by a dwelling. If the adjacent property is occupied by a dwelling, the minimum setback shall be increased to 25 feet unless a solid screen or fence at least four feet high is installed. The minimum setback for parking and storage of other vehicles shall be 40 feet.

d. *Drives and parking, residential uses*: Adjacent to all other districts designated by the Jefferson Davis Corridor Plan for residential uses, the minimum setback for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length shall be 25 feet. The minimum setback for parking and storage of other vehicles shall be 40 feet.

(5) *Setbacks for gasoline pumps, ATM's and other fully automatic self-operated equipment*: The setbacks for such uses and drives serving such uses shall be the same as those for drives and parking areas for automobiles, light trucks, vans, pickup trucks and motorcycles and for boats, trailers and RV's less than 25 feet in length.

Sec. 19-585. Route 360 corridors east and west.

All development in the Route 360 corridor east shall comply with the requirements set forth in sections 19-585.1 through 19-585.5 while all development in the Route 360 corridor west shall comply with the requirements set forth in sections 19-586 through 19-586.2; provided, however, that specific zoning conditions shall always be complied with regardless of whether they are more or less restrictive than the following conditions.

(Code 1978, § 21.1-243.4; Ord. of 4-10-02, § 1)

Sec. 19-585.1. Route 360 corridor east: established commercial.

(a) Large deciduous trees shall be planted within front and corner side yard setbacks. At least one large deciduous tree shall be required for each 40 lineal feet of road frontage and such trees shall be planted generally parallel to the adjacent road and spaced approximately 40 feet on center. The species planted and the exact location shall not interfere with existing overhead utility lines. The same or similarly shaped species of trees shall be used within front and corner side yard setbacks and shall be planted in a lineal pattern so as to create a formal landscape theme. There shall be no evergreen trees planted, as required by this article, nor shall any small deciduous trees be required; however, low shrubs and groundcover, as required by this article, shall be provided.

(b) Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. Compatibility may be achieved

through the use of similar building massing, materials, scale, colors or other architectural features.

(Ord. of 4-10-02, § 1)

Editor's note: § 1 of an ordinance adopted April 10, 2002 renumbered §§ 19-586--19-590 as §§ 19-585.1--19-585.5, and amended them to read as set forth herein. This ordinance also added new §§ 19-586--19-586.2, and reserved §§ 19-587--19-590.

Sec. 19-585.2. Route 360 corridor east: rural transition.

(a) All structures shall have an architectural style compatible with surrounding residential neighborhoods. No visible flat or shed roofs shall be permitted. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features.

(b) Required interior parking area landscaping shall be aggregated into large areas within the parking area rather than dispersed throughout the parking area.

(c) Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

(Ord. of 4-10-02, § 1)

Sec. 19-585.3. Route 360 corridor east: village center.

To increase the aesthetic appeal of village centers; encourage high quality development; provide shade and safety for pedestrians; and improve the quality of the environment, sidewalks, street trees and street lights, which are designed in keeping with the pedestrian oriented character of the village center, shall be provided along roads and internal driveways as determined during site plan review. For safety reasons, sidewalks directly parallel and adjacent to Route 360 are discouraged; however, connections to adjacent sites, developments and neighborhoods shall be required.

(1) Parking areas shall be limited to two bays with a driveway unless modified during site plan review. If modified, the design shall not permit large expanses of parking areas.

(2) Buildings that are clustered around an area devoted to public and semi-public use and positioned so as to define the public and semi-public space shall be permitted to reduce the setback from Route 360 to 25 feet.

(3) All structures shall have an architectural style compatible with surrounding residential neighborhoods. No visible flat or shed roofs shall be permitted. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. Individual buildings shall not

exceed 2,000 square feet or ground floor area. However, larger buildings shall be permitted when design features such as, but not limited to, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation or varied rooflines are incorporated so as to have the appearance of several small buildings clustered together.

(4) Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

(5) Buildings shall be sited around a generally rectangular area of approximately one and one-half acres, with no dimension less than 150 feet, which shall be designated through recordation of an open space easement for public and semi-public use, such as area civic association events, special commercial events or cultural activities. Buildings shall not be separated from the public and semi-public space by more than two rows of parking accessed by a driveway and a sidewalk. The area shall be designed to be used for such activities and shall not be designed to be used primarily for stormwater management facilities. The area shall incorporate benches for public seating and at least one of the following: gazebo/bandstand, fountain, sculpture, statuary or other similar feature.

(6) Sites shall be designed so that internal roads driveways create a grid circulation system.

(7) Large deciduous trees shall be planted within front and corner side yard setbacks. At least one large deciduous tree shall be required for each 40 lineal feet of road frontage and such trees shall be planted generally parallel to the adjacent road and spaced approximately 40 feet on center. The species planted and the exact location shall not interfere with existing overhead utility lines. The same or similarly shaped species of trees shall be used within front and corner side yard setbacks and shall be planted in a lineal pattern so as to create a formal landscape theme. There shall be no evergreen trees planted, as required by this article, nor shall any small deciduous trees be required; however, low shrubs and groundcover, as required by this article, shall be provided.

(Ord. of 4-10-02, § 1)

Sec. 19-585.4. Route 360 corridor east: corridor focus.

(a) Large deciduous trees shall be planted within front and corner side yard setbacks. At least one large deciduous tree shall be required for each 40 lineal feet of road frontage and such trees shall be planted generally parallel to the adjacent road and spaced approximately 40 feet on center. The species planted and the exact location shall not interfere with existing overhead utility lines. The same or similarly shaped species of trees shall be used within front and corner side yard setbacks and shall be planted in a lineal pattern so as to create a formal

landscape theme. There shall be no evergreen trees planted, as required by this article, nor shall any small deciduous trees be required; however, low shrubs and groundcover, as required by this chapter, shall be provided.

(b) Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

(Ord. of 4-10-02, § 1)

Sec. 19-585.5. Route 360 corridor east: corridor focus; between Hicks Road, Route 360 and the proposed loop road.

In addition to the conditions contained in 19-585.4, the following additional conditions shall be required in that portion of the corridor focus zone located between Hicks Road, Route 360 and the proposed loop road:

(1) Within this area, a driveway or road that has a design characteristic of a small town historic main street shall be provided. To increase the aesthetic appeal encourage high quality development provide shade and safety to pedestrians and improve the quality of the environment, sidewalks, street trees-, and street lights, which are designed in keeping with the pedestrian oriented character of the corridor focus zone, shall be installed along the road or driveway. Street trees shall consist of one large deciduous tree planted approximately 40 feet on center generally parallel to and between the driveway or road and the rectangular area of approximately one-half acre or more, which shall be designated through the recordation of an open space easement for public and semi-public uses, such as area civic association events, special commercial events or cultural activities and shall be designed as a usable "hardscaped" plaza area to accommodate these events and activities. Buildings shall front the sidewalk and plaza area.

(2) If a library or other public facility is located within the development, the uses shall be located adjacent to or within 300 feet of the public and semi-public space and connected to the public and semi-public space by a sidewalk.

(3) Buildings or groups of buildings shall be designed so that vehicular and pedestrian access is provided between the buildings or groups of buildings similar to city blocks. The design shall facilitate pedestrian and vehicular access between the uses oriented toward Route 360 and the uses oriented toward the Proposed Loop Road. Sidewalks, street trees and street lights shall be installed along the vehicular access. Buildings shall be designed to front along these vehicular/pedestrian access features with entrances, display windows and/or other features to encourage pedestrian activity.

(4) The site shall be designed so that buildings shall front and have entrances toward the Proposed Loop Road and back up to buildings oriented toward Route 360, resulting in loading service court areas being created between the buildings.

(5) At the northeast corner of the intersection of Hicks Road and Route 360, an architecturally significant building shall be constructed. The building shall either incorporate, or have adjacent to it, a bell or clock tower or vertical element that hasa height of at least 50 feet, or the site plan shall provide for dedication of space for construction of a minimum 50 foot clock or bell tower by others. Such element shall be located within 25 feet of Route 360. There shall be no signs permitted on the tower or vertical element.

(Ord. of 4-10-02, § 1)

Sec. 19-586. Route 360 corridor west: regional and community mixed use areas.

(a) Within the Route 360 corridor west in the Regional Mixed Use and Community Mixed Use designated areas of the Upper Swift Creek Plan and along Route 360 between Courthouse Road and Route 288, the architectural theme of a project shall establish a clearly identifiable architectural style, show how the building elements will break up the mass of large buildings, and provide for a pedestrian scale environment between the parking and the buildings.

The architectural style shall use building elements that interrupt the linear pattern and provide large scale focal elements and pedestrian scale elements for the entire development. Building and pedestrian elements are as follows:

(1) *Background wall*: Background wall designs shall incorporate similar architectural expression of walls including grid pattern, canopy, abstract ornamentation and cornice to maintain the continuity between tenants. Variation in building wall setbacks shall be employed to interrupt the massiveness of the building.

(2) *Entry and tower features*: Entry features shall be included as key design components to serve as identification for each tenant and offer relief to the background wall, or alternatively, continuous pedestrian canopies with a maximum length of 250 feet may be used between significant entry or tower features in lieu of entry features for each tenant. Tower features shall be incorporated into the entire project to establish large scale focal points and/or interrupt the overall linear design of the buildings on the site.

(3) *Colors*: Overall designs shall include variations in neutral color schemes for the building background, with complimentary colors to enhance the entry feature design. Accent colors shall be permitted to represent individual corporate identification.

(4) *Parapets and roofs*: Variation in parapet and/or roof heights shall be used to interrupt building massiveness.

(5) *Pedestrian elements*: Between the buildings and the parking areas, the architectural theme shall include at least four of the following pedestrian elements: decorative post lights, alternative paving treatments at entrances and/or pedestrian crossings, benches, plazas, landscaped areas, water features, display windows, or other pedestrian elements as approved by the director of planning.

(b) Commercial buildings adjacent to roads other than arterial or collector roads as identified on the county's thoroughfare plan that serve as an entrance to a residential neighborhood shall incorporate building elements that are compatible with residential development using design features identified for buildings in the mixed use corridor designated areas of the Upper Swift Creek Plan.

(Ord. of 4-10-02, § 1)

Sec. 19-586.1. Route 360 corridor west: mixed use corridor areas.

Within the Route 360 corridor west in the mixed use corridor designated areas of the Upper Swift Creek Plan, all buildings shall be compatible with residential architecture. Residential design features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as, but not limited to, brick and/or siding for walls and asphalt shingle or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Within a project, compatibility shall be achieved through the consistent use of a residential architectural style, and using, materials, fenestration, scale and other architectural features appropriate to that style.

(Ord. of 4-10-02, § 1)

Sec. 19-586.2. Route 360 corridor west: architectural compatibility.

Throughout the Route 360 corridor west from Courthouse Road west to the Amelia County line, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

(Ord. of 4-10-02, § 1)

Sec. 19-587. Route 10 Corridor East - purpose and intent.

The purpose of sections 19-587 through 19-587.4 is to provide standards that will encourage and enhance the preservation of tree canopy along Route 10, between I-95 and Hopewell, and to further encourage architectural standards that reinforce and compliment area residential development, within those areas along the Route 10 corridor suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan.

Sec. 19-587.1. Route 10 Corridor East: Yard requirements for office, business and industrial districts.

Setbacks along Route 10: The minimum setback area for buildings, drives and parking areas along Route 10 located outside of buffers, floodplains, wetlands and RPAs shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the minimum setback along Route 10 an additional 20 feet. Provided, however, the setback along Route 10 need not be increased by more than 90 percent of the amount of reducible side and rear yard area outside of buffers, floodplains, wetlands and RPAs. Side and rear yard setback area outside of buffers, floodplains, wetlands and RPAs may be reduced at a ratio of 1.1 square feet for each square foot of increased setback along Route 10, provided that the remaining side and rear yard setbacks shall be configured so that landscaping areas have a minimum dimension of 10 feet. Further, these remaining setback areas may be incorporated into other landscaped areas with the approval of the director of planning.

Sec. 19–587.2. Route 10 Corridor East: Plant material specifications.

Tree preservation: Within setbacks along Route 10, preservation of existing trees and shrubs shall be maximized to provide continuity and improved buffering. Except when necessary to provide access, any trees of high-canopy species that are four inches or greater in caliper, as well as any trees of under-story species that are one inch or greater in caliper, located within the setback, shall be retained unless removal is approved through site, subdivision or schematic plan review. Removal of vegetation, to accommodate vehicular access and utilities which run generally perpendicular through the setback, shall be permitted through subdivision, site or schematic plan review, the exact locations to be determined by the Director of Planning. Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements. If any preserved tree or shrub that has been credited dies within three years of construction, one tree or shrub shall be planted for each tree or shrub lost. All existing vegetation, which is to be preserved on the site, shall be shown on the required landscaping plan, 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

Sec. 19-587.3. Route 10 Corridor East: Neighborhood Mixed Use areas – architecture.

Within those areas along the Route 10 corridor suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan, all buildings shall be compatible with residential architecture. Residential design features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as brick and/or siding for walls and asphalt shingle or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a residential architectural style, and using materials, fenestration, scale and other architectural features appropriate to that style.

Sec.19-587.4 Route 10 Corridor East: Neighborhood Mixed Use areas – architectural compatibility.

Within those areas along the Route 10 corridor suggested for Neighborhood Mixed Use on the Consolidated Eastern Area Plan, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not meet current Zoning Ordinance requirements for architectural treatment, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

Sec. 19-588. Old Stage and Coxendale Roads Corridor - purpose and intent.

The purpose of sections 19-588 through 19-588.2 is to provide standards that will encourage and enhance views along Old Stage Road, north of Rt. 10, and along Coxendale Road, east of I-95.

Sec. 19-588.1. Old Stage and Coxendale Roads Corridor: Yard requirements for office, business and industrial districts.

(a) *Front and corner side yards*: The minimum setback area for buildings, drives and parking areas along Old Stage and Coxendale Roads outside of buffers, floodplains, RPAs and wetlands shall be increased 1 square foot for each 1.1 square feet of minimum required side and rear yard area located outside of buffers, floodplains, wetlands and RPAs, so as to increase the front yard setback an additional 20 feet. Provided, however, the setback along Old Stage and Coxendale Roads need not be increased by more than 90 percent of the amount of reducible side and rear yard areas outside of buffers, floodplains, wetlands and RPAs.

(b) *Side and rear yards*: The side and rear yard setbacks for buildings, drives and parking areas, for properties within I-1, I-2 and I-3 districts that front Old Stage and Coxendale Roads and when adjacent to I-2 and I-3 districts, shall be 0 feet when front yard setbacks are increased in accordance with Sec. 19-588.1(a).

Sec. 19-588.2. Old Stage and Coxendale Roads Corridor: Plant material specifications.

(a) *Tree preservation*: Within setbacks along Old Stage and Coxendale Roads, preservation of existing trees and shrubs shall be maximized to provide continuity and improved buffering. Except when necessary to provide access, any trees any trees of high-canopy species that are four inches or greater in caliper, as well as any trees of under-story species that are one inch or greater in caliper, located within the setbacks along Old Stage and Coxendale Roads, shall be retained unless removal is approved through site, subdivision or schematic plan review. Removal of vegetation, to accommodate vehicular access and utilities which run generally perpendicular through the setback, shall be permitted through subdivision, site or schematic plan review, the exact locations to be determined by the Director of Planning.

(b) Any healthy existing tree or shrub may be included for credit towards this subdivision's requirements. If any preserved tree or shrub that has been credited dies within three years of construction, one tree or shrub shall be planted for each tree or shrub lost. All existing vegetation which is to be preserved on the site shall be shown on the required landscaping plan, 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.

Sec. 19-588.3 Courthouse Area Design District: purpose and intent.

The purpose of sections 19-588.4 and 19-588.5 is to provide standards that will encourage and enhance Colonial and Federalist architectural features that are compatible with the historic structures within, and in proximity to, the Chesterfield County Courthouse Complex.

Sec. 19-588.4 Courthouse Area Design District -- Architecture.

Within the Courthouse Area Design District, all buildings shall be compatible with Federalist and Colonial architecture as exemplified by the historic Chesterfield Courthouse, by Castlewood, and by Magnolia Grange. Architectural features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for walls and standing seam metal or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a Federalist or Colonial architectural styles, and using materials, fenestration, scale and other architectural features appropriate to those styles.

Sec. 19-588.5 Courthouse Area Design District -- Architectural compatibility.

Within the Courthouse Area Design District, architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current zoning ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

Sec. 19-589. Enon Core District - purpose and intent.

The purpose of Sections 19-589 through 19-589.4 is to provide standards that will encourage, reinforce and enhance a sense of neighborhood identity and of “place” for the Enon community.

Sec. 19-589.1. Enon Core District: Exceptional development standards.

(a) *Street tree planting*: Within the Enon Core District, it is the intent of perimeter landscaping G, as detailed in section 19-518(g)(9), to require the installation of street trees to increase the aesthetic appeal of Enon Core District, encourage high-quality development, provide

shade for pedestrians and improve the quality of the environment. To this end, the following standards shall be met when utilizing perimeter landscaping G:

(1) The requirements of section 19-518(g)(9)(a) and (c) shall be met. The requirements of section 19-518(g)(9)(b) shall be modified to require continuous three-foot high hedge forms or a decorative wall for the entire width of a parking lot only if the parking lot is located in front of a building.

(2) Trees shall be installed behind any sidewalk installed along a street. If it is determined during the site plan process to be impractical to install trees behind the sidewalk, they may be installed between the street and the sidewalk. If it is determined during the site plan process to be impractical to locate large deciduous trees due to conflicts with utility lines the trees may be relocated or if that is impractical, small deciduous trees may be substituted.

(3) Trees installed shall be suitable for use as street trees and shall be selected for their ability to survive under adverse growing conditions as well as their aesthetic value.

(4) While the intent of this section is not to require a single species to be planted throughout the entire Enon Core District, the director of planning may require a particular species in a particular location based on existing area landscaping.

(b) The minimum acreage requirements set forth in sections 19-105(i) and 19-111(a) for R-TH and R-MF districts shall not apply within the Enon Core District areas.

Sec. 19-589.2. Enon Core District: Setback requirements for O and C Districts.

The minimum setbacks for all buildings, drives, and surface and deck parking areas shall be as follows:

(a) *Setbacks along Route 10*.

1. The minimum setback along Route 10 for buildings shall be 50 feet from the ultimate right of way with the installation of perimeter landscaping G provided, however, buildings that are clustered around an area devoted to public and semi-public use and positioned so as to define the public and semi-public space shall be permitted to reduce the setback from Route 10 to 15 feet. Any such area devoted to public and semi-public use shall be separated from Route 10 by a building or buildings, have a minimum of ½ acre with no dimension less than 100 feet, and shall be designated for such use by recordation of an open space easement for public and semi-public use, such as area civic association events, special commercial events or cultural activities. Buildings shall not be separated from the public and semi-public space by more than 2 rows of parking accessed by a driveway and a sidewalk. The area shall be designed to be used primarily for such activities and shall not be designed to be used primarily for stormwater

management facilities. The area shall incorporate benches for public seating and at least one of the following: gazebo/bandstand; fountain; sculpture; statuary; or other similar feature.

2. The minimum setback along Route 10 for drives and parking shall be 50 feet with the installation of perimeter landscaping G provided, however, that no more than 1 row of parking with associated driveway shall be permitted between any building and the Route 10 right-of-way.

(b) *Front setbacks*: The minimum front setback along rights-of-way other than Route 10 for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(c) *Corner side setbacks*: The minimum corner side setback along rights-of-way other than Route 10 for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(d) *Side setbacks*:

(1) Except as noted below, the minimum side setback for buildings shall be seven and one-half feet with the installation of perimeter landscaping E. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Consolidated Eastern Area Plan for non-single-family residential land uses, the minimum setback shall be seven and one-half feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line.

(2) Except as noted below, the minimum side setback for drives and parking areas, shall be seven and one-half feet with the installation of perimeter landscaping F. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the general plan for non-single-family residential land uses, the minimum setback shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner.

(e) *Rear setbacks*:

(1) Except as noted below, the minimum rear setback for buildings shall be 25 feet with the installation of perimeter landscaping B. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Consolidated Eastern Area Plan for non-single-family residential land uses, the minimum setback shall be 25 feet

unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line.

(2) Except as noted below, the minimum rear setback for drives and parking areas shall be 25 feet with the installation of perimeter landscaping B. However, the minimum setback may be reduced to seven and one-half feet with the installation of perimeter landscaping F. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Consolidated Eastern Area Plan for non-single-family residential land uses, the minimum setback shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner.

(f) *Setbacks for gasoline pumps*: Gasoline pumps, canopies and drives serving gasoline pump islands shall be separated from Route 10 by a building or buildings served by such facilities.

Sec. 19-589.3. Enon Core District: Architectural treatment.

(a) All new buildings and building additions shall be compatible with residential architecture. Residential design features shall include, but not be limited to, articulation of doors and windows, architectural ornamentation, and use of residential materials such as brick and/or siding for walls and asphalt shingle or simulated slate for roofs. There shall be no visible flat or shed roofs permitted. Wall offsets and varied rooflines shall be used on larger buildings to create the appearance of several small buildings clustered together. Within a project, compatibility shall be achieved through the consistent use of a residential architectural style, and using materials, fenestration, scale and other architectural features appropriate to that style.

(b) Architectural treatment of all buildings shall be compatible with buildings located within the same project or within the same block or directly across any road, as determined by the director of planning. At locations where the existing buildings do not meet current Zoning Ordinance requirements for architectural treatment, the director of planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

Sec. 19-589.4. Enon Core District: Heights.

No structure shall exceed a height of one and one-half stories or 24 feet, whichever is less.

Sec. 19-590. Reserved.

Sec. 19-590.1. Purpose and intent of employment center district.

The purpose of this subdivision is to provide standards that will encourage and enhance the development of quality office and industrial parks. The intent of this subdivision is to establish special regulations which mandate specific land use regulations and development standards and requirements to produce compatible land use patterns; create aesthetically pleasing developments; encourage the use of quality materials for building construction; provide continuity and sufficient levels of landscaping and lighting throughout each development, and promote improved pedestrian and vehicular circulation while maintaining flexibility where possible.

(Ord. of 4-28-99, § 2)

Sec. 19-590.2. Design standards for off-street parking in the employment center district.

(a) *Surface treatment*: With the exception of areas where track mounted equipment is stored, parking areas and driveways shall be paved with concrete, bituminous concrete or similar material.

(b) *Number of spaces*: The required number of parking spaces may be reduced by ten percent if the development includes a pedestrian way that connects to an existing or proposed pedestrian way, or that may be connected to a future pedestrian way.

(Ord. of 4-28-99, § 2)

Sec. 19-590.3. Yard requirements in the employment center district.

(a) *Setbacks along major arterials excluding limited access roads*: All buildings, drives and parking areas shall have a minimum 75-foot setback from the proposed rights-of-way of major arterials, excluding limited access roads, as indicated on the comprehensive plan. Within these setbacks, landscaping shall be installed in accordance with perimeter landscaping I.

(b) *Front and corner side yards setbacks along collector streets*: The front and corner side yard setback for buildings, drives, and parking areas shall be a minimum of 40 feet from the proposed rights-of-way of collector streets, as indicated on the comprehensive plan. However, in an I-2 district, setbacks shall be increased to 60 feet, and in an I-3 district, setbacks shall be increased to 90 feet. Within these setbacks, landscaping shall be installed in accordance with perimeter landscaping C.

(c) *Other front and corner side yards*: The front and corner side yard setback for buildings, drives, and parking areas shall be a minimum of 25 feet from proposed rights-of-way except those indicated as limited access, major arterials, and collector streets on the comprehensive plan. Within these setbacks, landscaping shall be installed in accordance with perimeter landscaping B.

(Ord. of 4-28-99, § 2)

Sec. 19-590.4. Exterior lighting in the employment center district.

(a) *Street lighting*: Street lighting shall be installed at all corners of street intersections. Street lights shall be high cut off shoe-box style lighting fixtures.

(b) *Lighting within a site*: Parking lot and access lighting within an individual site shall be high cut off shoe-box style lighting fixtures and shall not exceed 30 feet in height and designed to minimize light spillover into residential areas.

(Ord. of 4-28-99, § 2)

Sec. 19-590.5. Outdoor storage in the employment center district.

(a) *Amount*: Outdoor storage, if permitted by the underlying zoning district as accessory to a permitted use, shall be limited to no more than 50 percent of the gross floor area of the principal use.

(b) *Screening*: All outdoor storage shall be screened from view from any adjacent properties and public rights-of-way. Screening shall be accomplished by building design or by the use of durable architectural walls constructed of comparable materials to the principal building and using a design compatible to the principal building on the property.

(Ord. of 4-28-99, § 2)

Sec. 19-590.6. Screening of solid waste storage areas in the employment center district.

All solid waste storage areas shall be screened from view of adjacent property and public rights-of-way by a masonry or concrete wall which is constructed of comparable materials to and designed to be compatible with the principal building that the solid waste storage area serves.

(Ord. of 4-28-99, § 2)

Sec. 19-590.7. Architectural treatment in the employment center district.

Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located within the same project or within the same block or directly across any street. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features. Nothing in this section shall preclude the use of different materials on different building exteriors but rather, shall preclude the use of inferior materials on sides which face adjoining property. No building exterior (whether front, side, or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. No building exterior (whether front, side or rear) shall be constructed of metal or unadorned concrete block. The exterior of outbuildings shall not be constructed of materials inferior to those of the primary building and shall be architecturally consistent with the primary building. Mechanical equipment, whether ground-level or rooftop, shall be screened from view of adjacent property and public rights-of-way and designed to be perceived as an integral part of the building.

(Ord. of 4-28-99, § 2)

Sec. 19-590.8. Heights in the employment center district.

Except as outlined in sections 19-507 and 19-507.1, the height of any building within any O or I district shall be permitted to be a maximum of 150 feet in height. The height of any other building or structure shall be as specified in section 19-598.

(Ord. of 4-28-99, § 2)

Sec. 19-590.9. Loading and storage areas in the employment center district.

Buildings adjacent to limited access roads shall be oriented such that loading and storage areas are located internally. This shall be accomplished through the use of building orientation and site design.

(Ord. of 4-28-99, § 2)

Sec. 19-590.10. Design of BMP's in the employment center district.

Any BMP's required for water quantity or quality control shall be designed as retention basins and shall be landscaped or otherwise improved so that the facilities become visual enhancements. BMP's shall include landscaping adjacent to the BMP's, gently sloping banks, and aquatic, and where appropriate, sub-aquatic plantings. 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.

(Ord. of 4-28-99, § 2)

Subdivision III. Development Requirements--Emerging Growth Areas

Sec. 19-591. Purpose and intent for standards in emerging growth areas.

The purposes of this subdivision to provide a high-quality, functional and well-designed office, business and industrial environment; to maintain the long-term functioning and adequacy of major arterial roadways; to limit access and the number of conflict points and, thereby, reduce the need for additional crossover locations and traffic signals; to promote improved pedestrian and vehicular circulation; to encourage land assembly and the use of land in accordance with the comprehensive plan; to promote architectural continuity; and to encourage designs which produce a compatible relationship between individual buildings, the circulation system and adjacent areas.

(Code 1978, § 21.1-244)

Sec. 19-592. Areas of applicability and exemptions.

The emerging growth areas shall include all land identified as such on the zoning district maps, which are located in office, business and industrial districts.

(Code 1978, § 21.1-245)

Sec. 19-593. Yard requirements for office, business and industrial districts within emerging growth areas.

(a) *Setbacks along major arterials excluding limited access roads*: All buildings, drives and parking areas shall have a minimum 75-foot setback from the proposed rights-of-way of major arterials, excluding limited access roads, as indicated on the comprehensive plan. However, in an I-3 District, building setbacks shall be increased to 90 feet. Within these setbacks, landscaping shall be provided in accordance with perimeter landscaping B.

(b) *Front and corner side yards*: The front and corner side yard setback for buildings, drives and parking areas shall be a minimum of 40 feet from public rights-of-way, other than major arterials and limited access roads. However, in an I-2 District, building setbacks shall be increased to 60 feet, and in an I-3 District, building setbacks shall be increased to 90 feet, with the installation of perimeter landscaping A.

(c) *Side yards*: The side yard setbacks for buildings, drives and parking areas shall be a minimum of 30 feet with the installation of perimeter landscaping A. However, within I-2 and I-3 districts, when adjacent to I-2 or I-3 districts, perimeter landscaping within side yards shall not be required. One foot shall be added to each side yard for each one foot that the building height adjacent thereto exceeds 45 feet.

(d) *Setbacks along limited access roads and rear yards*: The minimum rear yard setback for buildings, drives and parking areas and any yard adjacent to a limited access road shall be 40 feet with the installation of perimeter landscaping C. However, within I-2 and I-3 districts, when adjacent to I-2 or I-3 districts, perimeter landscaping within rear yards shall not be required. One foot shall be added to each rear yard for each one foot that the building height adjacent thereto exceeds 45 feet.

(e) *Yards for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as required in this section for buildings and drives.

(Code 1978, § 21.1-246; Ord. of 6-24-98, § 1)

Sec. 19-594. Permitted variations in yard requirements.

The required minimum yards for any zoning lot or parcel, or adjacent to limited access roads, or as noted below, may be reduced as follows with the provision of additional landscaping:

(1) *Setbacks along major arterials*: Except in I-2 or I-3 districts, the required setback for buildings, drives and parking areas along major arterials may be reduced to 50 feet with the installation of perimeter landscaping C.

(2) *Front and corner side yards*: Except in I-2 or I-3 districts, the required front and corner side yard setback along public rights-of-way other than major arterials may be reduced to 25 feet with the installation of perimeter landscaping C.

(3) *Side yards*: The required side yard may be reduced to ten feet with the installation of perimeter landscaping B, except when adjacent to any A, R, R-TH, MH or R-MF district.

(4) *Rear yards*: The required rear yard may be reduced to 20 feet with the installation of perimeter landscaping B, except when adjacent to any A, R, R-TH, MH or R-MF district.

(Code 1978, § 21.1-247; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-595. Architectural treatment.

No building exterior (whether front, side or rear) which would be visible to any A, R, R-TH, R-MF, MH or O district or any public right-of-way shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different building exteriors, but rather shall preclude the use of inferior materials on sides which face adjoining property. No portion of a building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any adjoining A, R, R-TH, R-MF, MH or O district or any public right-of-way. No building exterior shall be constructed of unpainted concrete block or corrugated and/or sheet metal.

(Code 1978, § 21.1-248; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 15-596. Reserved.

Sec. 19-597. Use limitations.

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, except in the C-1 District, uses that have drive-in windows and/or gasoline pumps, and all uses exclusively permitted in the General Business (C-5) District shall only be permitted when incorporated into a project of one or more parcels with an aggregate size of ten acres or more.

(Code 1978, § 21.1-250)

Sec. 19-598. Heights.

The maximum height of all buildings and structures within any office, business or industrial district shall be as specified in this section, except as outlined in section 19-507 and 19-507.1 or otherwise provided in this article:

(1) In office and business districts, no building or structure shall exceed a height of three stories or 45 feet, whichever is less, except offices, hospitals and hotels, which may be constructed to a height of 12 stories, or 120 feet, whichever is less.

(2) In I-1 Districts, no buildings or structures except offices, hospitals and hotels, which may be constructed to a height of 12 stories or 120 feet, whichever is less, shall exceed a height of three stories or 50 feet, whichever is less.

(3) In I-2 and I-3 Districts, no buildings or structures shall exceed a height of 150 feet.

(4) No buildings or structures within 100 feet of any undeveloped residential district, or any agricultural district designated for residential use by the comprehensive plan, shall exceed a height of three stories or 50 feet, whichever is less. No buildings or structure within 200 feet of any existing residential district shall exceed a height of two stories or 30 feet, whichever is less. However, if there is an existing dwelling more than two stories in height within 100 feet of the district, the height of the building or structure may be increased to the height of the dwelling.

(Code 1978, § 21.1-250.1; Ord. of 6-24-98, § 1)

Subdivision IV. Development Requirements--Post Development Areas

Sec. 19-599. Purpose and intent for standards in post development areas.

The purpose of the following standards is to provide flexible design criteria in areas that have already experienced development and ensure continuity of development. It is the intent of this subdivision to promote renovation and improvement of commercial areas; improved compatibility with adjacent residential uses; and maintain the long-term functioning and adequacy of the arterial road system by limiting access to and the number of conflict points with such system. Designs which produce a compatible relationship between individual buildings, the circulation system and adjacent areas are encouraged.

(Code 1978, § 21.1-251)

Sec. 19-600. Areas of applicability and exemptions.

The post-development areas shall include all lands as specified herein and which are located in office, commercial, business and industrial districts. Post-developed areas shall include:

(1) Midlothian Turnpike, extending from the Richmond corporate limits to the centerline of Alverser Drive, including all land to a depth of 1,500 feet from the centerline of Midlothian Turnpike, unless the parcel or project extends further than 1,500 feet, in which case the requirements shall apply to the entire parcel or project.

(2) Hull Street Road, extending from the Richmond corporate limits to the centerline of the Virginia Power transmission easement located approximately 400 feet west of McKesson Road, including all land to a depth of 500 feet from the centerline of

Hull Street Road, unless the parcel or project extends further than 500 feet, in which case the requirements shall apply to the entire parcel or project.

(3) Jefferson Davis Highway:

a. Northern area, extending from the Richmond corporate limits to Proctors Creek, including all land east of Jefferson Davis Highway and all land to a depth of 800 feet west of the centerline of Jefferson Davis Highway, unless the parcel or project extends further than 800 feet in which case the requirements shall apply to the entire parcel or project.

b. Central area, extending from Proctors Creek to the centerline of Old Bermuda Hundred Road and including all land to a depth of 800 feet from the centerline of Jefferson Davis Highway, unless the parcel or project extends further than 800 feet, in which case the requirements shall apply to the entire parcel or project.

c. Southern area, extending from Timsberry Creek to the Colonial Heights corporate limits, including all land to a depth of 800 feet from the centerline of Jefferson Davis Highway, unless the parcel or project extends further than 800 feet in which case the requirements shall apply to the entire parcel or project.

(4) Bon Air Community, bounded by the Richmond corporate limits on the east, the southern railroad on the south, Jimmy Winter Creek on the west and Huguenot Road on the north.

(5) Ettrick Community, bounded by Dupuy Road on the north, the Colonial Heights corporate limits on the east, the Petersburg corporate limits on the south and the Seaboard Coastline Railroad on the west.

(6) Matoaca Community, extending from the centerline of Holloway Avenue to the centerline of Matoaca Road, including all land to a depth of 600 feet from the centerline of River Road, unless the parcel or project extends further than 600 feet in which case the requirements shall apply to the entire parcel or project.

(Code 1978, § 21.1-252)

Sec. 19-601. Yard requirements for office, business and industrial districts within post-development areas.

Except when lesser setbacks are permitted by section 19-582 or 19-584, the yard requirements specified in this section shall apply to any zoning lot or parcel.

(1) *Setbacks along major arterials, excluding limited access roads*: All buildings, drives and parking areas shall have a minimum 50-foot setback from the proposed rights-of-way of major arterials as indicated on the comprehensive plan, except that the building setback in an I-2 District shall be increased to 60 feet, and in an

I-3 District to 90 feet. Within these setbacks, landscaping shall be provided in accordance with perimeter landscaping B.

(2) *Setbacks along limited access roads*: All buildings, drives and parking areas shall have a minimum 40-foot setback from the proposed right-of-way of a limited access road, as indicated on the comprehensive plan. Within this setback, landscaping shall be provided in accordance with perimeter landscaping C.

(3) *Front and corner side yards*: The front and corner side yard setback for buildings shall be a minimum of 30 feet from the proposed rights-of-way other than major arterials and limited access roads; except that in an I-2 District, building setbacks shall be increased to 60 feet and in an I-3 District to 90 feet. The setback for drives and parking areas shall be a minimum of 15 feet from existing or proposed rights-of-way. Within these setbacks, landscaping shall be provided in accordance with perimeter landscaping J.

(4) *Side yards*: The side yard setbacks for buildings shall be a minimum of 20 feet. One foot shall be added to each side yard for each one foot that the building height adjacent thereto exceeds 45 feet.

(5) *Rear yards*: The minimum rear yard setback for buildings shall be 20 feet. One foot shall be added to each rear yard for each one foot that the building height adjacent thereto exceeds 45 feet.

(6) *Yards for gasoline pumps*: The setbacks for gasoline pumps shall be the same as those for buildings, and the setback for drives serving gasoline pumps shall be the same as those for drives and parking areas as required in this section.

(Code 1978, § 21.1-253; Ord. of 6-24-98, § 1)

Sec. 19-602. Permitted variations in yard requirements.

The required minimum yards for any zoning lot or parcel, except those located in an I-2 or I-3 District or adjacent to limited access roads, may be reduced with the provision of a change in landscaping and/or if adjacent property is zoned for a similar use, as follows:

(1) *Setbacks along major arterials*: The required setback for buildings, drives and parking areas along major arterials may be reduced to 25 feet with the installation of perimeter landscaping J.

(2) *Front and corner side yards*: The required front and corner side yard setback for buildings along public rights-of-way other than major arterials may be reduced to 25 feet with the installation of perimeter landscaping J.

(3) *Side yards*: In the I-2 and I-3 districts, the required side yard setback for buildings may be reduced to 10, except when adjacent to any A, R, R-TH, MH or R-MF district. The required side yard setback for buildings may be reduced to zero in all other districts, except when adjacent to any A, R, R-TH, MH or R-MF district.

(4) *Rear yard*: No reduction shall be permitted.

(Code 1978, § 21.1-254; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-603. Architectural treatment.

No building exterior (whether front, side or rear) which would be visible to any public right-of-way shall be constructed of unadorned concrete block or corrugated and/or sheet metal.

(Code 1978, § 21.1-255; Ord. of 6-24-98, § 1)

Sec. 19-604. Heights.

The maximum height of all buildings or structures within any office, business or industrial district shall be as follows, except as outlined in section 19-507 and 19-507.1 or as otherwise specified in this article:

(1) In office and business districts, no buildings or structures shall exceed a height of three stories or 45 feet, whichever is less, except offices hospitals and hotels, which may be constructed to a height of 12 stories or 120 feet, whichever is less.

(2) In I-1 Districts, no buildings or structures shall exceed a height of three stories or 50 feet, whichever is less, except offices, hospitals and hotels, which may be constructed to a height of 12 stories or 120 feet, whichever is less.

(3) In I-2 and I-3 Districts, no buildings or structures shall exceed a height of 150 feet.

(4) No buildings or structures within 100 feet of any undeveloped property within an R, R-TH, MH or R-MF district, or any undeveloped property in an A district that is designated for residential use by the comprehensive plan, shall exceed a height of three stories or 50 feet, whichever is less. No building or structure within 200 feet of any existing residential neighborhood shall exceed a height of two stories or 30 feet, whichever is less. However, if there is an existing dwelling more than two stories in height within 100 feet of the district, the height of the building or structure may be increased to the height of the dwelling.

(Code 1978, § 21.1-255.0.1; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Subdivision V. Development Requirements--Village District

Sec. 19-605. Purpose and intent of district.

The purpose and intent of this subdivision is to recognize unique villages within the county, which are part of the county's cultural, architectural and historic heritage; and to maintain and reinforce the character, identity, and pedestrian scale of the villages by continuing and enhancing existing patterns of development through the implementation of adopted plans and

guidelines and the establishment of a special district mandating particular land use regulation and development standards and requirements within such villages.

(Code 1978, § 21.1-255.1)

Sec. 19-606. Areas of applicability and exemptions.

The village district shall include all lands specified in this section.

(1) The Midlothian Village Core, comprised of all that shown on the Chesterfield County zoning maps as Midlothian Village Core or MVC.

(2) Midlothian Village Fringe comprised of all that area shown on the Chesterfield County zoning maps as Midlothian Village Fringe or MVF.

(3) Chester Village Core, comprised of all that area shown on the Chesterfield County zoning maps as Chester Village Core or CVC.

(4) Chester Village Fringe East, comprised of all that area shown on the Chesterfield County zoning maps as Chester Village Fringe East or CVFE.

(5) Chester Village Fringe West, comprised of all that shown on the Chesterfield County zoning maps as Chester Village Fringe West or CVFW.

(6) Chester Village Corridor East, comprised of all that shown on the Chesterfield County zoning maps as Chester Village Corridor East or CVCE.

(7) The Ettrick Business Core, comprised of all that area shown on the Chesterfield County zoning maps as Ettrick Business Core or EBC.

(8) The Bon Air Village, comprised of all that area shown on the Chesterfield County zoning maps as Bon Air Village District or BAVD.

(Code 1978, § 21.1-255.2; Ord. of 4-14-99, § 1)

Sec. 19-607. Implementation of plans and guidelines.

In acting upon any zoning approval, development approval, historic district, landmark or landmark site designation; or other decision under this article; which decision will impact a designated village district, the responsible body, officer or agent shall review such decisions for conformity with all and any officially adopted plans and guidelines for development within such districts and the following ordinances.

(Code 1978, § 21.1-255.3; Ord. of 4-14-99, § 1)

Sec. 19-608. Exceptional development standards.

(a) *Parking*: Parking requirements in the village district for indoor commercial recreational facilities; self-service gasoline stations; office buildings of up to 26,500 square feet;

restaurants, including fast-food and drive-in restaurants; retail stores; personal services; repair shops; banks; greenhouses; nursery centers; and lawn and garden centers shall be based on the requirements for shopping centers or similar retail groups of buildings as set forth in section 19-513. Improved, designated parking spaces in a public right-of-way may be counted toward the required number of parking spaces so required when more than one-half of each such space adjoins the site. Further, the required number of parking spaces may be reduced by ten percent if the development contains a sidewalk or other pedestrian walkway system that connects to existing walkways or that may be connected to future walkways. In addition if approved by the director of planning, in the Bon Air Village, a business may reduce the required number of onsite parking spaces by pro-rata if it has an agreement with another entity permitting off-site parking on a lot located within the Bon Air Village boundaries or within 1000 feet of the Bon Air Village boundaries. All other requirements of division 1, subdivision II of this manual shall apply as described. In the Ettrick Business Core, the following uses shall be exempt from the requirements of Section 19-513 and 19-509(b): offices having a gross floor plan area which does not exceed five thousand (5,000) square feet, restaurants and retail uses, including personal services, repair shops, specialty shops and contractor offices without heavy vehicles or equipment.

(b) *Landscaping*:

(1) *Midlothian*: Landscaping within setbacks along rights-of-way shall conform to the recommendations set forth in The Village of Midlothian Technical Manual dated September 1991.

(2) *Ettrick Business Core*: All development shall be exempt from the requirements of Division 1 Development Standards, Subdivision III Landscaping of The Development Standards Manual. If off-street parking areas are constructed in front of the building line or on a lot without a building, the following minimum landscaping shall be required: a low hedge or low, partially transparent fence along the front setback line.

(3) *All other village districts*: At least one large deciduous tree, as defined in section 19-518(b)(2), shall be included in each landscaped area, in lieu of the one small tree required by section 19-519(b). All other landscaping requirements of sections 19-519, 19-609 and 19-610 shall apply in all village districts.

(c) *External lighting*: Except for lamps attached to a building, the maximum height for lampposts shall be 20 feet. All requirements of section 19-573 shall apply in the Ettrick Business Core; however, porch lights, gas lamps and period lighting that is in keeping with the small scale pedestrian oriented character of the village shall be exempted from said requirements. Lamps attached to a building shall be no higher than the roofline or parapet wall.

(d) *Streetlighting*: Within the Chester Village Areas, streetlighting shall be required of all new or expanded projects except for single-family dwellings. Streetlight fixtures, poles and lamp types shall be consistent along any given street. Selected streetlights shall be of a design in keeping with the small-scale, pedestrian-oriented character of the village and shall be compatible with existing and anticipated development. Final selection shall be made prior to site plan

approval. Fixture mounting heights shall be 12 feet above the adjacent street elevation along Route 10, Chester Road and Harrowgate Road and ten feet above the adjacent street elevation along all other streets. Streetlights shall be installed on each side of a street. On each side of any street, lights shall be installed 150 feet on center and lights on opposite sides of any one street shall be spaced 75 feet on center with the lights on the other side of the street. Spacing requirements may be modified through site plan review where physical constraints preclude such spacing.

(e) *Street tree planting*: Within the Chester Village Areas, it is the intent of perimeter landscaping G, as detailed in section 19-518(g)(9), to require the installation of street trees to increase the aesthetic appeal of the village, encourage high-quality development, provide shade for pedestrians and improve the quality of the environment. To this end, the following standards shall be met when utilizing perimeter landscaping G:

(1) Trees shall be installed behind the sidewalk. If it is determined during the site plan process to be impractical to install trees behind the sidewalk, they may be installed between the street and the sidewalk. If overhead utility lines are located behind the sidewalk, the trees shall be installed behind the utility line, if practical. If it is determined during the site plan process to be impractical to install large deciduous trees due to conflicts with utility lines or other existing improvements, small deciduous trees may be substituted at a ratio of one tree for each 30 lineal feet of frontage.

(2) Trees installed shall be suitable for use as street trees and shall be selected for their ability to survive under adverse growing conditions as well as their aesthetic value.

(3) While the intent of this section is not to require a single species to be planted throughout the entire village, the director of planning may require a particular species in a particular location based on existing area landscaping.

(f) *Street tree planting*: Within the Bon Air Village, it is the intent of perimeter landscaping G, as detailed in section 19-518(g)(9), to require the installation of street trees to increase the aesthetic appeal of the village, encourage high-quality development, provide shade for pedestrians and improve the quality of the environment. To this end, the following standards shall be met when utilizing perimeter landscaping G:

(1) The requirements of section 19-518(g)(9)(a) and (c) shall be met. The requirements of section 19-518(g)(9)(b) shall be modified to require continuous three-foot high hedge forms a decorative wall for the entire width of a parking lot only if the parking lot is located in front of a building.

(2) Trees shall be installed behind the sidewalk. If it is determined during the site plan process to be impractical to install trees behind the sidewalk, they may be installed between the street and the sidewalk. If it is determined during the site plan process to be impractical to locate large deciduous trees due to conflicts with

utility lines the trees may be relocated or if that is impractical, small deciduous trees may be substituted.

(3) Trees installed shall be suitable for use as street trees and shall be selected for their ability to survive under adverse growing conditions as well as their aesthetic value.

(4) While the intent of this section is not to require a single species to be planted throughout the entire village, the director of planning may require a particular species in a particular location based on existing area landscaping.

(g) The minimum acreage requirements set forth in sections 19-105(i) and 19-111(a) for R-TH and R-MF districts shall not apply within the Chester Village areas.

(h) *Buffers and screening in the Ettrick Village Core*: Buffers required by section 19-523 shall not apply. If parking is provided on any property in an O, C or I district adjacent to an R, R-TH, MH or R-MF district, a ten-foot wide buffer shall be provided. This buffer shall include an evergreen hedge with a minimum installed height of four feet or a solid fence or wall six feet in height. Along side property lines that abut property in R, R-TH, MH or R-MF districts, this buffer may be reduced to a width of three feet in accordance with section 19-609(g)(2).

(Code 1978, § 21.1-255.4; Ord. of 4-14-99, § 1; Ord. of 11-14-01, § 1)

Sec. 19-609. Setback requirements for O and C Districts.

(a) *Midlothian Village Core*: The maximum and minimum setbacks for all buildings, drives, and surface and deck parking areas for property within 0 and C districts shall be as follows:

(1) *Setbacks along major arterials*:

a. The minimum setback along major arterials for buildings shall be 15 feet. The maximum setback along major arterials for at least one building on a lot shall be 50 feet; however, this maximum setback shall be reduced in accordance with the following formula, if there is an existing building on one or more sides of the subject lot, but in no case shall the maximum setback be less than 15 feet. The formulas for mandatory reduced maximum setback are:

1. The average of the setbacks of the closest principal buildings occupying the lots adjoining the sides of the subject lot, if buildings occupy both these adjoining lots and are within 200 feet of the subject lot; or

2. The average of the setback of the closest principal building occupying a lot adjoining one side of the subject lot and 50 feet, if a building occupies only one of the lots adjoining the sides of the

subject lot and is within 200 feet of the subject lot (whether the opposite side of the subject lot is an unoccupied lot or a public right-of-way).

Landscaping shall be provided within the setback in accordance with perimeter landscaping E.

b. The minimum setback along major arterials for drives and parking areas shall be 20 feet behind the front line of the building with the least setback on the lot. However, in no case need drives be set back more than 50 feet. Landscaping shall be provided within the setback in accordance with perimeter landscaping E. Further, this minimum setback may be reduced to the front line of the building with the least setback on the lot with the installation of perimeter landscaping F. If there is no building or lot, the minimum setback for drives and parking areas shall be 20 feet behind the maximum setback for one building on the subject lot as determined in paragraph a. above.

(2) *Front and corner side setbacks*:

a. The minimum front and corner side setbacks along rights-of-way other than major arterials for buildings shall be 15 feet; however, the minimum setbacks shall be increased, if there is an existing building on one or more sides of the subject lot, in accordance with the following formula, but in no case shall the minimum setback be more than 25 feet. The formulas for mandatory increase of minimum setback are:

1. The average of the setbacks of the closest principal buildings occupying the lots adjoining the sides of the subject lot, if buildings occupy both these adjoining lots and are within 200 feet; or

2. The average of the setback of the closest principal building occupying a lot adjoining one side of the subject lot and 15 feet, if a building occupies only one of the lots adjoining the sides of the subject lot and is within 200 feet (whether the opposite side of the subject lot is an unoccupied lot or a public right-of-way).

The maximum front and corner side setbacks along rights-of-way other than major arterials for at least one building on a lot shall be 25 feet.

Perimeter landscaping D shall be installed within the setback.

b. The minimum front and corner side setbacks along rights-of-way other than major arterials for drives and parking areas shall be 25 feet. Perimeter landscaping D shall be installed within the setbacks. Further, this

minimum setback may be reduced to the front line of the building with the least setback on the lot with installation of perimeter landscaping F.

(3) *Side setbacks*: The minimum side setback for buildings, drives and parking areas shall be 30 feet with the installation of perimeter A. The minimum side setback may be reduced to ten feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District.

(4) *Rear setbacks*: The minimum rear setback for buildings, drives and parking areas shall be 40 feet with the installation of perimeter landscaping A. The minimum rear setback may be reduced to 20 feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District.

(5) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (4) above.

(b) *Midlothian Village Fringe*: The maximum and minimum setbacks for all buildings, drives and surface and deck parking areas shall be as follows:

(1) *Setbacks along major arterials*:

a. The minimum setback along major arterials for buildings shall be 50 feet; however, this minimum shall be increased as authorized by the director of planning when the average setback of the existing building(s) on one or more sides and within 200 feet of the subject lot is more than 50 feet. Perimeter landscaping E shall be provided within the setback.

b. The minimum setback along major arterials for drives and parking areas shall be no less than the front line of the building with the least setback on the lot. If there is no building on the lot, the minimum setback shall be 50 feet. Perimeter landscaping E shall be provided within the setback.

(2) *Front and corner side setbacks*:

a. The minimum front and corner side setbacks along rights-of-way other than major arterials for buildings shall be 25 feet with the installation of perimeter landscaping D.

b. The minimum front and corner side setbacks along rights-of-way other than major arterials for drives and parking areas shall be no less than the front line of the building with the least setback on the lot. If there is no building on the lot, the minimum setback shall be 25 feet. Perimeter landscaping D shall be provided within the setback.

(3) *Side setbacks*: The minimum side setback for buildings, drives and parking areas shall be 30 feet *with* the installation of perimeter A. The minimum side setback

may be reduced to ten feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District.

(4) *Rear setbacks*: The minimum rear setback for buildings, drives and parking areas shall be 40 feet with the installation of perimeter landscaping A. The minimum rear setback may be reduced to 20 feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District.

(5) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (4) above.

(c) *Chester Village Corridor East*: The setback for all buildings, drives and surface and deck parking areas shall be as follows:

(1) *Setbacks along major arterials*:

a. The minimum setback along major arterials for buildings, drives and parking shall be 25 feet with the installation of perimeter landscaping G.

(2) *Front setbacks*:

a. The minimum front setback along rights-of-way other than major arterials for buildings, drives and parking shall be 25 feet with the installation of perimeter landscaping G.

(3) *Corner side setbacks*:

a. The minimum corner side setback along rights-of-way other than major arterials for buildings, drives and parking shall be 25 feet with the installation of perimeter landscaping G and may be further reduced to 15 feet with the installation of perimeter landscaping G when the lot is back to back with another corner lot.

(4) *Side setbacks*:

a. Except as noted below, the minimum side setback for buildings shall be seven and one-half feet with the installation of perimeter landscaping E. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback shall be seven and one-half feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

b. Except as noted below, the minimum side setback for drives and parking areas, shall be seven and one-half feet with the installation of perimeter landscaping F. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the general plan for non-single-family residential land uses, the minimum setback shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(5) *Rear setbacks*:

a. Except as noted below, the minimum rear setback for buildings shall be 25 feet with the installation of perimeter landscaping B. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback shall be 25 feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

b. Except as noted below, the minimum rear setback for drives and parking areas shall be 25 feet with the installation of perimeter landscaping B. However, the minimum setback may be reduced to seven and one-half feet with the installation of perimeter landscaping F. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(6) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (5) above.

(d) *Chester Village Core*: The minimum setback for all buildings, drives and surface and deck parking areas shall be as follows:

(1) *Setbacks along major arterials*:

a. The minimum setback along major arterials for buildings shall be ten feet, with the installation of perimeter landscaping G within the setback.

b. The minimum setback along major arterials for drives and parking areas shall be the front line of the building with the least setback on the lot, but not less than ten feet with the installation of perimeter landscaping G within the setback.

c. If there is no building on the lot, the minimum setback for drives and parking areas shall be ten feet with the installation of perimeter landscaping G within the setback.

d. In order to provide a drive circulating in front of a building which houses a drive-through window, the minimum setback for such a drive (but not for parking areas) shall be three feet with the installation of perimeter landscaping in accordance with section 19-518(g)(9)b when the building is set back 15 feet. If the building setback is increased beyond 15 feet, the increased setback shall be utilized for landscaping or pedestrian circulation unless the drive setback shall be increased by a like amount.

(2) *Front and corner side setbacks*: The front and corner side setbacks along roads other than major arterials shall be the same as those required along major arterials.

(3) *Side setbacks*: Except as noted below, the minimum side setback for buildings, drives and parking areas shall be 25 feet with the installation of perimeter landscaping A. This setback may be reduced to ten feet with the installation of perimeter landscaping B. When abutting an O, C, or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for buildings shall be seven and one-half feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for drives and parking areas shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(4) *Rear setbacks*: Except as noted below, the minimum rear setbacks for buildings, drives, and parking areas shall be 25 feet with the installation of perimeter landscaping A; this setback may be reduced to ten feet with the installation of perimeter landscaping B. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for buildings shall be 25 feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for drives and parking areas shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owners. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(5) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (4) above.

(e) *Chester Village Fringe East, Chester Village Fringe West*: The minimum setback for all buildings, drives and surface and deck parking areas shall be as follows:

(1) *Setbacks along major arterials*: The minimum setback along major arterials for buildings, drives and parking areas shall be 25 feet with the installation of perimeter landscaping G. within the setback.

(2) *Front and corner side setbacks*: The front and corner side setbacks along roads other than major arterials shall be the same as those required along major arterials.

(3) *Side setbacks*: Except as noted below, the minimum side setback for buildings, drives and parking areas shall be 30 feet with the installation of perimeter landscaping A. However, the minimum side setback may be reduced to ten feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for buildings shall be seven and one-half feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for drives and parking areas shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four

feet high shall be installed unless waived by the director of planning at the request of the adjacent property owner. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(4) *Rear setbacks*: Except as noted below, the minimum rear setback for buildings, drives and parking areas shall be 40 feet with the installation of perimeter landscaping A. However, the minimum rear setback may be reduced to 20 feet with the installation of perimeter landscaping B, except when adjacent to any R, R-TH, R-MF, MH or A District. When abutting an O, C or I District, the minimum setback shall be zero feet. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for buildings shall be 25 feet unless waived by the director of planning at the request of the adjacent property owner, in which case the minimum setback shall be reduced to zero feet provided there are no openings in the wall built along the property line. When abutting other property designated by the Chester Village Plan for non-single-family residential land uses, the minimum setback for drives and parking areas shall be zero feet; however, if the adjacent property is occupied by a residence, a solid screen or fence at least four feet high shall be installed unless waived by the director of planning at the request of the adjacent property owners. Vacant property located within the area designated by the Chester Village Plan as "mixed use: neighborhood office and single-family residential" shall be considered a non-single-family residential land use regardless of the zoning of the parcel.

(5) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (4) above.

(f) *Ettrick Business Core*: If a uniform pattern of setbacks, lot widths and building widths exists, infill development should generally maintain existing spacing and rhythm. Nothing in this subsection is intended to discourage renovation or expansion of existing structures, except that additions shall not extend farther into these setbacks than the existing building(s). The minimum setbacks for all buildings, drives and parking areas shall be as follows:

(1) *Front and corner side setbacks*:

a. For buildings, the minimum front and corner side setback shall be 15 feet.

b. For parking and drives, setbacks shall be as follows:

1. For new construction, the minimum front and corner side setback for drives and parking areas shall be no less than the front line of the building with the least setback on the lot. If there is no building

constructed on the lot, the minimum setback for drives and parking areas shall be 15 feet.

2. For existing buildings, the minimum setback for drives and parking areas shall be 15 feet, provided that where parking is located in front of the building line, a fifteen foot setback and a low (approximately three foot) hedge or partially transparent fence such as wrought iron or wood picket shall be provided.

(2) *Side setbacks*: The minimum side setback for buildings, drives and parking areas shall be zero feet, except when adjacent to a lot zoned for residential use, in which case the minimum side setback for buildings, drives and parking areas shall be ten feet. The ten-foot setback for driveways and parking areas may be reduced to three feet with the provision of a six-foot solid wood fence along the adjacent residential lot and the ten-foot setback for buildings may be reduced to three feet if the building, by its design, provides the same screening as a fence, as determined through site plan review.

(3) *Rear setbacks*: The minimum rear setback for buildings, drives and parking areas shall be 20 feet.

(4) *Setbacks for gasoline pumps*: The setbacks for gasoline pumps and drives serving gasoline pump islands shall be the same as those for drives and parking areas as required in paragraphs (1) through (4) above.

(g) *Bon Air Village*: The minimum setbacks for all buildings, drives, and surface and deck parking areas shall be as follows:

(1) *Front and corner side setbacks*: The minimum front and corner side setbacks shall be zero feet.

(2) *Side setbacks*: Except as noted below, the minimum side setback shall be 15 feet with the installation of perimeter landscaping B for property adjacent to any R, R-TH, R-MF, MH District or any property designated for an R, R-TH or R-MF District on the comprehensive plan or any property used for residential purposes. This setback may be reduced to 0 feet upon installation of a wall, eight feet in height, made of material similar to the principal building or by locating the main building's wall (with no openings) adjacent to the residential property. When abutting an O, C or I District or property occupied by an O, C or I use, the minimum setback shall be zero feet.

(3) *Rear setbacks*: Except as noted below, the minimum side setback shall be 25 feet with the installation of perimeter landscaping B for property adjacent to any R, R-TH, R-MF, MH District or any property designated for an R, R-TH, MH or R-MF District on the comprehensive plan or any property used for residential purposes. This setback may be reduced to 0 feet upon installation of a wall, eight feet in height, and made of material similar to the principal building or by locating the main building's wall (with no openings) adjacent to the residential property. When

abutting an O, C or I District or property occupied by an O, C or I use, the minimum setback shall be zero feet.

(Code 1978, § 21.1-255.5; Ord. of 4-14-99, § 1; Ord. of 11-14-01, § 1)

Sec. 19-610. Setback requirements for I Districts.

(a) *All village areas, except Chester*: The minimum setbacks for all buildings, drives and surface and deck parking areas shall be as follows:

(1) *Setbacks along major arterials*: The minimum setback along major arterials for buildings, drives and parking areas shall be 75 feet in I-1 and I-2 Districts and 90 feet in I-3 Districts with the installation of perimeter landscaping B within the setback. However, in I-1 Districts this setback may be reduced to 50 feet with the installation of perimeter landscaping C.

(2) *Front and corner side setbacks*: The minimum setback along rights-of-way other than major arterials for buildings, drives and parking areas shall be 40 feet in I-1 Districts, 60 feet in I-2 Districts and 90 feet in I-3 Districts with the installation of perimeter landscaping A within the setback. However, in I-1 districts this setback may be reduced to 25 feet with the installation of perimeter landscaping C.

(b) *Chester Village District areas*: All requirements shall be the same as noted in subsection (a) except that landscaping in front and corner side yards shall be perimeter landscaping G.

(Code 1978, § 21.1-255.6)

Sec. 19-611. Architectural treatment.

(a) *Within the Ettrick Business Core*:

(1) New development shall be compatible with the pedestrian scale and historic village character of Ettrick. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the village. The intent of this section is to insure functional and visual compatibility, not to specifically encourage imitation of past architectural styles.

(b) *Within all other village districts*: No building exterior (whether front, side or rear) shall consist of architectural materials inferior in quality, appearance or detail to any other exterior of the same building. Nothing in this section shall preclude the use of different materials on different exteriors (which would be acceptable if representative of good architectural design) but rather, shall preclude the use of inferior materials on sides which face adjoining property and thus, might adversely impact existing or future development causing a substantial depreciation of property values. No portion of a building constructed of unadorned cinder block or corrugated and/or sheet metal shall be visible from any adjoining A, R, R-TH, MH, R-MF or O District or any public right-of-way. Further, buildings shall be designed to impart harmonious proportions and to avoid monotonous facades or large bulky masses. Buildings shall possess architectural

variety but shall be compatible with existing structures, especially nearby structures of high historic interest. New or remodeled buildings shall enhance an overall cohesive village character as reflected in existing structures. This character shall be achieved through the use of design elements--including, but not limited to, materials, balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting--as are described in the applicable adopted plans and guidelines.

(Code 1978, § 21.1-255.7; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-612. Heights.

The maximum height of all buildings within any O, C or I district shall be as specified in this section, except as provided in section 19-507 and 19-507.1

(1) *Midlothian Village Core, Chester Village Corridor East*: No structure shall exceed a height of two and one-half stories or 30 feet, whichever is less.

(2) *All other village district areas*: No structure shall exceed a height of three stories or 45 feet, whichever is less.

(3) *Generally*: No structure within 200 feet of any property in an R, R-TH, MH or R-MF district shall exceed a height of two and one-half stories or 30 feet, whichever is less. However, if there is an existing dwelling more than two and one-half stories in height within 100 feet of the district, the height of the structure may be increased to the height of the dwelling.

(Code 1978, § 21.1-255.10; Ord. of 6-24-98, § 1; Ord. of 11-14-01, § 1)

Sec. 19-613. Signs.

The applicable sign standards for property located within a village district are contained in sections 19-631 through 19-650.

(Ord. of 4-14-99, § 2; Ord. of 4-25-01, § 1)

Sec. 19-614--19-630. Reserved.

DIVISION 4. SIGNS*

Sec. 19-631. Purpose and intent.

(a) The purposes and intent of this division are to regulate the use of publicly visible displays or graphics; to protect and enhance the character of roadways and surrounding areas; to prevent diminishing property values due to excessive signage; to safeguard the public use and nature of roadways; and to minimize visual distractions to motorists along public roads.

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* Editor's note: Section 1 of an ordinance adopted November 9, 1994 repealed sections 21.1-265--21.1-270.1 and section 2 of the same ordinance added new sections 21.1-270.2--21.1-270.25. The repealed sections pertained to similar provisions on signs and derived from ordinances adopted 9-13-89; 7-24-91, section 1; 6-10-92; 6-24-92, sections 2, 3; 7-22-92, section 2. Subsequently, § 1 of an ordinance adopted April 25, 2001 amended this division in its entirety by amending and reenacting §§ 19-631--19-644, and adding §§ 19-645--19-650. Former div. 4, §§ 19-631--19-644, also pertained to signs, and derived from the Code of 1978, §§ 21.1-270.2--21.1-270.15, and an ord. of 7-28-99, § 1.

(b) The regulations are specifically designed to:

(1) Promote maximum legibility of signs and to prevent their over-concentration as well as excessive height, bulk and area.

(2) Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, collision, decay or abandonment; do not obstruct firefighting or police surveillance; and do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.

(3) Enable customers and other persons to identify and locate a business or service.

(Ord. of 4-25-01, § 1)

Sec. 19-632. Definitions.

For the purposes of sections 19-631 through 19-650, the following words and phrases shall have these meanings:

Awning: A permanent roof-like structure covered with a flexible material which provides protection from rain or sun or is used as an architectural accent.

Banner: A sign consisting of a piece of fabric or other similar flexible material, other than a flag or pennant, used to advertise a special promotion or activity.

Building mounted sign: A permanently attached sign, erected or painted on the outside wall, roof, window or door of a building.

Canopy: A permanent roof structure made of rigid materials providing protection from rain or sun. There are two types of canopies:

(1) Drive-through canopy: A canopy over drive-through activity.

(2) Pedestrian canopy: A canopy over pedestrian areas.

Changeable copy sign: A sign whose copy can be changed or altered by manual or electric, electro-mechanical or electronic means, except for scoreboards. Changeable copy signs include the following types:

(1) *Manual*: Signs whose copy can be changed or altered by manual means.

(2) *Electrical*: Signs whose copy can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Electrical signs include two types:

a. Fixed message electronic signs: Signs whose copy has been preprogrammed to include only time, temperature and date, and do not operate in a flashing, traveling or rolling fashion.

b. Computer controlled variable message electronic signs: Signs whose copy can be changed or altered by means of computer-driven electronic impulses.

Construction sign: A temporary sign that notifies the public of a specific residential community or nonresidential community to be constructed in the future, or any community or freestanding nonresidential site at the start of construction. The sign may also identify the architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

Copy: The display on a sign surface in either permanent or removable letter, graphic, or numeric form.

Decorative fence/wall: An open or solid fence or wall which:

a. Contributes to the identification of the principal use;

b. Is not erected to satisfy any other provision of this Code; and

c. Consists of material that is not typically found in security structures, such as chain link.

Fascia: A flat horizontal band located at the base of a pitched roof, between architectural moldings near or at the top of a wall, extending out from a building wall as a separate wall panel, or as the outside edge of a canopy, which provides a visible location to mount signage.

Flag: A sign consisting of a piece of cloth or other flexible material attached to a flag pole, light post or mounted on a building and used as a symbol.

Freestanding sign: A nonmovable sign supported by a fence, wall, upright structural members or braces on or in the ground and not attached to a building.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Logo: Any emblem used as the symbol of an organization, or residential or nonresidential community. A logo may include a graphic, text, or both.

Nonresidential community: A group of buildings or uses containing three or more nonresidential establishments that are planned, developed or managed as a unit.

Nonresidential community identification sign: A freestanding sign that bears the name of the nonresidential community and may include the names of the tenants.

Offsite directional sign: A sign that directs traffic to a site other than the site on which the sign is located. Offsite directional signs do not include real estate signs.

Onsite directional sign: A sign directing traffic to an activity on the same site as that on which the sign is located. Onsite directional signs do not include real estate signs.

Onsite directory sign: A sign located internally to a nonresidential community for the purpose of identifying and providing directional information to the specific businesses or occupants within a nonresidential community. These signs may include logos and/or business names of individual businesses in the nonresidential community.

Order board: A sign providing the menu for a drive-through restaurant that includes an intercom allowing customers to place an order.

Outdoor advertising sign: A sign or structure used as an outdoor display for the purpose of making anything known, when the matter advertised or displayed is not related to the premises where such sign is located. Outdoor advertising signs do not include offsite directional, yard sale or real estate signs.

Outparcel: A site for a freestanding building or use within a nonresidential community.

Parapet wall: A wall that extends above the top of a flat roof.

Pennant: Any lightweight plastic, fabric or other similar material, whether or not containing copy suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent sign: Any sign attached to the ground or any other structure, intended to exist for the life of the structure or use, and which cannot be easily removed.

Portable sign: A sign which is not permanently affixed to the ground or other structure and which is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

Preview board: A sign providing the menu for a drive-through restaurant prior to approaching the order board. A preview board does not have an intercom.

Projecting sign: A sign which is attached to and projects at an angle and extends more than 18 inches from the face of the wall of a building.

Real estate sign: A temporary sign used to offer property for sale, lease, rent and/or development or to advertise an open house.

Refacing: The replacement of a sign face, regardless of change in copy, of equal size to the original, without altering any other aspect of the sign.

Residential community: Any recorded subdivision or any approved multi-family project.

Riders: Additional panels added to a real estate sign that provide information regarding special features of the property or building, or the name and contact information of the real estate agent.

Sign: Any display of figures or copy visible to the public for the purpose of making anything known or attracting attention.

Sign box: A structure that encloses the sign face and other components.

Sign structure: An assembly of material used to support a sign.

Temporary sign: A sign permitted for a limited period of time as specified in this chapter.

Traffic control signs: Signs regulating driving or parking, including but not limited to stop, one-way, do not enter, handicapped parking and access and restricted parking signs.

Under canopy signs: Signs located under and attached to the ceiling of a building mounted pedestrian canopy and mounted perpendicular to a building front.

Village district entryway sign: A permanent, freestanding sign located at or near the entrance to a village district as defined in division 5 of article III of the Development Standards Manual. Such signs shall be restricted to the identification of the village district; notification of special events; notification of civic, social, and service organizations; and other items of public interest.

Window sign: A sign attached to a door or window that is legible from the exterior of the building.

(Ord. of 4-25-01, § 1; Ord. of 8-22-01, § 1)

Sec. 19-633. General regulations.

The following regulations apply to all signs, whether or not a sign permit is required, and are in addition to the regulations contained elsewhere in this article:

(a) State and federal sign requirements apply to all signs located in the county.

(b) A county sign permit is required for all signs in excess of eight square feet in area, unless otherwise provided in this chapter.

(c) Signs for which a permit is required shall not be enlarged, structurally altered, or otherwise modified without a new permit. This requirement does not apply to refacings.

(d) An application for a sign permit shall contain:

(1) A completed form obtained from the building inspections department;

(2) Scaled drawings based on a survey plat showing the location of the sign and the tax I.D. number for the property on which the sign will be located;

(3) Plans showing the size, dimension and height of the sign and the dimensions and square footage of the copy shown thereon;

(4) Complete specifications of the method of mounting and/or anchoring the sign;

(5) Information regarding other signs demonstrating compliance with the requirements of subsection (h) of this section; and

(6) The filing fee.

(e) If requested by the director of planning, a survey prepared by a registered civil engineer or certified surveyor certifying the location, height and/or area of the sign must be submitted after the sign is erected.

(f) The owner of a freestanding sign structure which requires a sign permit shall have the permit number and date of issuance permanently affixed to the sign in a location clearly legible from the ground.

(g) For nonresidential sites requiring a new certificate of occupancy, a temporary certificate of occupancy will not be released unless the applicant has an approved sign permit. The approved sign must be installed prior to the release of the final certificate of occupancy.

(h) Signs shall not be erected so that sight lines from public rights-of-way to other signs are obstructed.

(Ord. of 4-25-01, § 1)

Sec. 19-634. Prohibited signs.

(a) Signs or sign structures that obstruct any opening intended to provide light, air or ingress and egress for any building.

(b) Signs that are structurally unsafe.

(c) Signs that by reason of position, shape or color, interfere with, obstruct the view of, or cause confusion with any authorized traffic sign, signal or device.

(d) Signs which include lighting that impairs the vision of any motor vehicle operator; obstructs firefighting or police surveillance; or causes any direct glare into or upon any property other than the property on which the sign is located.

(e) Portable signs unless specifically permitted elsewhere in this chapter.

(f) Signs placed on utility poles or traffic control signs.

(g) Sound-producing signs.

(h) Moving signs intended to attract attention regardless of whether or not the sign has a written message or whether all or any part of it moves by any means, including but not limited to rotating, fluttering or being set in motion by movement of the atmosphere. This

paragraph does not apply to the hands of a clock operating as such, or to computer controlled variable message electronic signs. However, within village districts, the director of planning may approve such signs for a period not to exceed two days for special community events if notified at least five business days in advance in writing.

(i) Signs displaying flashing or intermittent lights, or lights of changing degrees of intensity, except as allowed for computer controlled variable message electronic signs.

(j) Any sign displayed on a stationary motor vehicle or trailer when the vehicle or trailer is used primarily for the purpose of and serving the function of a portable sign, except when such vehicle or trailer is parked in the operator's driveway or when the vehicle is parked to the side or rear of a commercial building and is not visible from adjacent public roads or is loading or unloading.

(k) Signs greater than 48 square inches in area that display a commercial message on a parked motor vehicle or trailer and that are unrelated to any activity or enterprise of the owner or operator of the vehicle or trailer.

(l) Freestanding signs constructed so that a portion of the sign or its supports overhangs any portion of a building.

(m) Canopies or awnings that are internally lighted and covered with a translucent material, regardless of whether sign copy is displayed on them.

(n) Outdoor advertising signs.

(Ord. of 4-25-01, § 1)

Sec. 19-635. Signs not requiring permits.

The following signs may be erected without a sign permit, so long as they comply with the regulations in this chapter:

(a) Traffic control signs, whether erected by public or private entities, so long as the sign does not include a business name or logo.

(b) Warning signs or signs required to be erected by law.

(c) Signs identifying a street address without identifying a business.

(d) Signs inside a building or other enclosure intended for viewing by persons inside the building or enclosure.

(e) Works of art or architectural features that do not include or imply a commercial message and that are no more than 40 feet in height.

(f) Signs in public rights-of-way if approved by the Virginia Department of Transportation and limited to:

(1) Signs posted by or on behalf of a government body.

(2) Signs which direct or regulate pedestrian or vehicular traffic.

(3) Bus stop signs posted by a public company or a government.

(4) Information signs of a public utility regarding its poles, lines, pipes or facilities.

(5) Community identification signs located in the median of an entrance road within a nonresidential community, residential community or mixed use community.

(6) Any offsite signs permitted by this chapter.

(g) Barber poles used to advertise establishments which cut hair. Such poles shall be building mounted only and may not revolve unless located within a village district.

(h) Signs allowed to be attached to trees on sites where land disturbing activities are being conducted, such as land disturbance permits, job site numbers and similar temporary signs.

(Ord. of 4-25-01, § 1)

Sec. 19-636. Sign design and setback requirements.

(a) With the exception of signs permitted to be placed in the right-of-way pursuant to section 19-635(f), all signs, including directional signs, shall be set back a minimum of 15 feet from all property lines, unless a greater setback is specified by conditions of zoning, approved site or subdivision plans, or by this chapter.

(b) Along public rights-of-way, the setback may be reduced to a minimum of 20 feet from the edge of the pavement or the face of curb, but in no case shall the sign be set back less than one foot from the property line, provided the sign shall be relocated to conform to the requirements herein at the time the adjacent road is widened.

(c) Within any village district, the sign setback shall be five feet from the right-of-way line.

(d) Along roads which have proposed right-of-way expansion, as delineated in the comprehensive plan, if such right-of-way has not been acquired, signs may be located within the proposed right-of-way, provided the sign shall be relocated to conform to the setback requirements upon acquisition of the right-of-way.

(e) Landscaping: Except for new signs within paved areas, existing as of April 25, 2001, grass, live groundcover, shrubs and trees consistent with other plantings shall be provided

around each individual permanent freestanding sign. The landscaping required by this section shall be depicted on the site or landscaping plans.

(f) Illumination.

(1) External lighting shall be limited to white lighting and shall not be blinking, fluctuating or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so as not to cause glare an any adjoining R, R-TH, R-MF or A district or public right-of-way. If external lighting is used, the sign shall not be internally illuminated. However, incidental lighting of buildings shall not be considered to be external lighting of signage.

(2) Internal lighting shall be contained within translucent copy and internally illuminated sign boxes, provided the area illuminated for sign boxes is restricted to the sign face only. The illumination shall not cause glare on any adjoining R, R-TH, R-MF or A district or public right-of-way. If internal illumination is used, external lighting shall not be allowed. However, incidental lighting of buildings shall not be considered to be external lighting of signage.

(3) School and church signs located in residential or agricultural districts shall not be illuminated between the hours of 10 p.m. and 6 a.m., subject to section 19-500.

(Ord. of 4-25-01, § 1)

Sec. 19-637. Limitation on specific signs.

(a) Changeable copy signs.

(1) Changeable copy is not permitted, unless the changeable component of the sign face occupies one-half or less of the total area of the sign face. This restriction does not apply to changeable copy used in movie theater and fuel price signs.

(2) If changeable copy is used, it shall abut the sign face or be integrated into the sign face, provided, however, if the sign is incorporated into a monument structure, the changeable copy need not abut or be integrated into the sign face. Changeable copy added to signs existing prior to April 25, 2001 shall abut the sign face as close as physically possible.

(3) Computer controlled variable message electronic signs may be allowed subject to section 19-161(c).

(b) Farming signs.

(1) Signs displayed for the purpose of farm identification must be located on the farm premises, set back at least 50 feet from the nearest corner of a street intersection.

The sign must be painted or printed and the total aggregate area of all signs shall not exceed 12 square feet in area and a height of ten feet.

(2) One temporary sign advertising the sale of farm products grown or produced on the premises is allowed, provided such signs shall not be illuminated, shall be painted or printed, maintained in good condition, and removed within ten days after the end of each growing season. Such signs must be no more than 12 square feet in area and ten feet in height unless located in a village district, in which case height is limited to seven feet.

(c) Offsite directional signs advertising special community events are limited to four square feet in area and no more than one per street intersection. Such signs must be removed within 48 hours of the date of the advertised event. The director of planning must be notified in writing at least five business days before the signs are installed of their location, message, and length of display.

(d) Offsite directional signs for a church, school, hospital, park, library, scenic area, historic area, train station or airport are limited to seven square feet in area and seven feet in total height. No more than one sign pertaining to a single place is allowed along any one street. However, on roads designated as a major arterial on the comprehensive plan and constructed as a four lane road, two directional signs may be erected provided there is not more than one on each side of the road.

(e) Onsite directional signs are limited to no more than two per public road entrance, and the signs shall be legible from the adjacent public road. Business names and/or logos are not permitted on the sign. If directional signs are used adjacent to the roadway, at least one shall include the street address of the business it references. The directional sign shall include no more than two colors, including black and white, with the lettering as one color and the face as the other. Lighting of directional signs shall be by internal illumination only. Except as noted below for parking row designation signs, onsite directional signs shall not exceed four square feet in area and five feet in height.

(1) Excluding businesses that are located in a nonresidential community, businesses that are required by the county transportation department to share an access are allowed to have one directional sign along the shared access road, either onsite or offsite. Business names are permitted on such directional signs provided that the name does not exceed one square foot in area.

(2) Parking row designation signs are permitted in parking lots, but are limited to four square feet in area and 15 feet in height.

(f) Onsite directory signs shall be limited to no more than one per vehicular entrance into the nonresidential community. Onsite directory signs shall either be screened by landscaping or located so that they are not legible outside the nonresidential community. Onsite directory signs shall not be included in calculating the number of freestanding signs permitted or in calculating the total aggregate permitted sign area. Such signs are limited to 20 square feet in area and eight feet in height.

(g) Order boards: One detached order board and one preview board is permitted for each stacking lane for businesses with drive-through facilities. Order boards and preview boards shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area. Such signs must be located so that they are not legible from off the property. Order boards are limited to 30 square feet in area and six feet in height, unless located in a village district, in which case the area shall not exceed 12 square feet. Preview boards are limited to 15 square feet in area and six feet in height, unless located in a village district, in which case the area shall not exceed 12 square feet.

Additionally, one order board not to exceed four square feet in area is allowed for each parking space or fueling location, provided such signs are attached to columns supporting a canopy and have a finish color that matches the colors used on the canopy. One temporary sign not to exceed four square feet in area advertising special products or services may be used along a drive-up window lane, provided it is located so that it is not visible from adjacent residential districts or public rights-of-way. These signs shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area allowed for the site.

(h) Residential community identification signs. One such sign shall be permitted for each separate street entrance to the community. One such sign shall be permitted on each side of an entrance if both signs are attached to a decorative fence/wall. The sign area allowed is 20 square feet for each 200 dwelling units in subdivisions or residential communities with a guaranteed minimum of 32 square feet and a maximum of 100 square feet. Such signs must be no more than 15 feet in height unless located in a village district, in which case height is limited to seven feet.

(i) Scoreboards as well as signs advertising goods, services or products shall be permitted within ball diamonds, ballfields, racetracks, stadiums, arenas or other facilities accommodating sporting events or activities. If a sign is not visible from off the property, there shall be no size or height limitation. If a sign is visible from off the property, it shall not exceed 64 square feet in area. In addition, it shall be attached on the interior of a fence or wall enclosing the facility and shall not exceed the height of the fence or wall. However, where a fence or wall is not provided, the scoreboard or sign shall not exceed a height of eight feet.

(j) Signs advertising events for nonprofit organizations must be removed within 30 days after the date of the event.

(k) Signs attached to or immediately above fuel dispensers are limited to eight square feet in area. Such signs shall not be included in the total permitted sign area for the facility and shall not be internally illuminated.

(l) Signs displaying the name of a house or a home occupation at a single family residence shall not exceed one square foot in area and shall not be illuminated.

(m) Signs prohibiting trespassers, hunting, fishing, solicitors or parking or announcing adoption of highways for litter control, posted property, crime watch areas or towing of unauthorized vehicles shall not exceed three square feet in area and shall not be illuminated.

(n) Temporary onsite signs bearing the single message "now hiring" shall not exceed four square feet in area and are limited to one per business. Such signs may be displayed only during periods a business is accepting applications for employment.

(o) Temporary vendors selling Christmas trees are permitted one sign, not to exceed 32 square feet in area and ten feet in height, unless located in a village district, in which case the height shall not exceed seven feet. Such signs may be displayed for 40 days starting November 15 of each year.

(p) Under canopy signs within shopping centers are limited to one under canopy sign per store. Such signs shall not exceed eight square feet in area and shall be located in front of the store's main entrance. Such signs shall not be deducted from the sign area permitted for the store.

(q) Signs attached to doors or windows that are legible from outside of the building shall not exceed an area greater than 15 square feet or 25 percent of the total window and door area located on any one face of the building, whichever is less. Further, signs in windows shall be located in the top half of the window.

(r) Yard sale signs shall not exceed four square feet in area. Such signs are limited to one offsite sign directing the way to the sale and one onsite sign. Yard sale signs may be installed no earlier than 48 hours prior to the sale and must be removed within 48 hours after the date of the sale.

(s) Temporary campaign signs are permitted provided that they do not exceed 32 square feet in area and ten feet in height; not exceed seven feet in height in village districts; not be placed on utility poles, traffic control signs or trees or within public rights of way; and are removed 30 days after the election.

(t) Civic community service organization signs and home/business of the month signs provided that they do not exceed eight square feet in area and five feet in height.

(u) Signs containing religious, educational or charitable messages or which advertise events for nonprofit organizations provided that they do not exceed eight square feet in area and five feet in height.

(Ord. of 4-25-01, § 1)

Sec. 19-638. Banners.

Banners do not require sign permits and are allowed so long as:

(a) The applicant notifies the director of planning in writing at least five business days prior to the installation of a banner of the size, area, proposed location and manner of fastening of the banner and has received approval, with a designated identification number, for the banner. The banner shall have the identification number and the approved date of removal printed on the banner in one and a half inch numbers in the lower right corner. Any banner installed without prior notification to and approval of the director of planning shall be removed

immediately upon notification by the planning department and no other banner shall be displayed for 90 days. Banners shall not be attached to trees or shrubs.

(b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed it's permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days.

(c) A single banner not to exceed 50 square feet in area may be used to advertise special events, provided the banner is not used for more than 30 consecutive days. Such banners shall not be displayed more than 60 days total during a calendar year on the same property and each banner must advertise a different event. For tenants in a nonresidential community that have separate exterior customer entrances, each tenant is a separate entity for the purpose of this provision. Tenants in nonresidential communities may erect a freestanding banner in lieu of a building mounted banner so long as no more than two banners are erected for the entire community at the same time for each arterial street front. One additional freestanding banner may be erected for the sole purpose of advertising the onsite activities of nonprofit organizations. Businesses located outside of a nonresidential community may erect a freestanding banner in lieu of a building mounted banner. Such businesses may receive an additional 20 days a year of banner display for the sole purpose of advertising the onsite activities of nonprofit organizations. A nonprofit activity using a vacant site may erect one banner up to ten days prior to the advertised event which shall be removed immediately upon completion of the event.

(d) Banners solely advertising a business name and/or logo are prohibited.

(e) The permissible area of a banner may be increased for building mounted banners in accordance with the following:

(1) One square foot for each two feet of store frontage in excess of 100 feet, provided that no banner shall exceed 150 square feet in area.

(2) One square foot for each 50 feet the store is set back from the nearest public road, provided that no banner shall exceed 150 square feet in area.

(3) Banners may be up to 250 square feet in area within village areas when used to advertise community events and displayed across public roads.

(Ord. of 4-25-01, § 1)

Sec. 19-639. Flags.

Flags do not require sign permits and are allowed so long as:

The flag is a noncommercial flag that only depicts the emblem and insignia of a nation, political unit, educational, charitable, religious, civic or similar group or is a noncommercial decorative flag. A commercial flag is a flag that is not a noncommercial flag. Commercial flags

are allowed but each commercial flag shall be limited to the same size requirements as freestanding signs (section 19-649). The size of any freestanding sign allowed on a site shall be reduced by the total square footage of all commercial flags displayed on the site. Commercial flags must not exceed a height of 40 feet. Each flag other than a building mounted flag must be individually attached to a pole which does not exceed a height of 40 feet for commercial flags. The height of the pole shall be measured in accordance with § 19-647.

(Ord. of 4-25-01, § 1; Ord. of 8-22-01, § 1)

Sec. 19-640. Real estate signs.

(a) The following real estate signs do not require a permit and are allowed under the conditions specified herein:

(1) Onsite real estate signs that advertise the sale or rental of residential or agricultural premises shall be maintained in good condition and removed within ten days after the transfer of title or rental of such property and shall not be illuminated.

(2) Offsite real estate signs directing the way to premises that are for sale or rent and open to the public for inspection. They shall be erected only while the building is open to the public for inspection and shall be removed when the agent or owner closes the premises for public viewing. There shall be no more than one sign per street intersection directing the way to the premises.

(3) Onsite real estate signs advertising an open house are permitted so long as there is no more than one onsite sign. The message shall be restricted to "open house", a directional arrow, and the real estate company or owner's name, logo, phone number and the hours the building is open for inspection.

(4) Offsite real estate signs directing the way to premises that are for sale or rent. Such signs shall be limited to one sign per intersection per house for sale. The message on the sign must be limited to the realtors association trademark "R", equal housing opportunity logo, "for sale" or "for rent" and an arrow. The signs must be removed ten days after the transfer of title, or the rental of such property.

(5) Real estate signs are limited in size to six square feet in area and seven feet in height. Up to two riders may be attached to such signs. If riders are attached, the total sign area is limited to eight square feet. If the property fronts along a major arterial and is designated on the comprehensive plan for nonresidential use, the requirements for such signs in office, business or industrial districts found at sections 19-640(b)(4) and 19-640(b)(5) apply.

(b) The following real estate/construction signs require a sign permit and are subject to the conditions specified herein:

(1) One onsite real estate sign advertising a residential community, provided such sign shall be removed when 90 percent of the dwelling units in the residential community are occupied.

(2) One construction sign advertising the use to be made of a commercial building or structure and the businesses and firms developing the building or structure. Such sign may be installed when actual construction is started and shall be removed upon occupancy of the building or structure.

(3) One construction sign notifying the public that a nonresidential community is coming soon. This sign shall be removed before erection of any other construction sign and in no instance shall be permitted to remain longer than three years.

(4) One onsite real estate sign advertising the sale or rent of parcels of land with or without buildings in O, C or I districts, provided such sign is removed within ten days after the transfer of deed or rental of such property. If the sign is no greater than 16 square feet a county sign permit shall not be required.

(5) The signs must not exceed 32 square feet in area and a height of ten feet unless located in a village district, in which case height is limited to seven feet.

(Ord. of 4-25-01, § 1)

Sec. 19-641. Sign packages required for nonresidential communities.

A comprehensive sign package for all signs within a proposed nonresidential community shall be submitted to the planning department for approval in conjunction with the first site plan submitted for approval within the nonresidential community or as required by conditions of zoning. The sign package shall provide detailed renderings for all signs within the nonresidential community, including sizes, lighting and location. Sign packages are in addition to the application for a sign permit. Sign packages are not required for projects existing prior to November 9, 1994, unless required by conditions of zoning.

(a) The letter style and graphic display of all signs within a nonresidential community shall be similar. The area, location and material of signs shall substantially conform with buildings and site design. All accessory signs to the primary business sign of a business shall be of a single color chosen from the primary business sign.

(b) The developer shall determine that either sign boxes, canopy or awning signs or individually mounted letters shall be used within the nonresidential community. Where sign boxes are used, the background colors of all sign boxes shall be similar.

(c) In the event the applicant disagrees with the decision of the director of planning regarding the sign package, the applicant may file an appeal to the planning commission in accordance with section 19-268.

(Ord. of 4-25-01, § 1)

Sec. 19-642. Permissible building mounted sign area.

(a) The total building mounted sign area permitted for separate tenant spaces with separate exterior public entrances within a nonresidential community shall be calculated at one and twenty-five hundredths square feet for each one lineal foot of building frontage, provided that a minimum of 30 square feet and a maximum of 150 square feet shall be permitted, except that signs shall not exceed more than 70 percent of the building frontage for each tenant. For buildings having frontage exceeding 120 feet, the 150 square foot maximum building mounted sign area may be increased one square foot for each additional three lineal feet of building frontage. On individual sites or outparcels where freestanding signs are permitted by this article, the permitted building mounted sign area may be calculated at one and seventy-five hundredths square feet of sign area for each one lineal foot of building frontage, provided a freestanding sign is not erected. Building frontage shall include canopy lengths in the case of service stations and other uses providing drive-up windows.

(b) Multi-tenant office buildings which only provide common entrances for all tenants shall be permitted a maximum of two building mounted signs, no more than one of which shall be visible at one time from off the property. Additional building mounted tenant identification signs not to exceed three square feet in area or mounted no higher than each common entrance shall be allowed, provided the total area of all signs does not exceed the area permitted for the building.

(c) Where retail tenants occupy space inside a building with a common entrance, exterior signage for those tenants shall be deducted from the total permissible square footage of sign area on the exterior of the building.

(d) Under no circumstances shall a sign exceed more than 70 percent of the linear building or tenant frontage.

(Ord. of 4-25-01, § 1)

Sec. 19-643. Calculation of building mounted sign area.

The area of building mounted signs shall be calculated as follows:

(a) *Projecting signs*. The area of a projecting sign shall be calculated as the area of a rectangle which encompasses the extreme limits of each individual sign face, including all background visible from any direction at one time.

(b) *Canopy or awning signs*. If canopies or awnings contain sign copy, the area of these signs shall be measured by calculating the total area of the surface upon which the sign copy is located.

(c) *Individually mounted or painted letters*. The area of individually mounted or painted sign letters applied directly to the building face, which are not further emphasized by an architectural or painted element of the building, shall be

calculated as the sum of the area within a series of rectangles which encompasses each individual letter.

(d) *All other building mounted signs*. The area of all other building mounted signs shall be measured as the area within a single rectangle that encompasses the extreme limits of all copy and background, framing, ornamentation or sign boxes. The area of letters and symbols not attached to each other and not provided on sign boxes or awnings may be separately calculated by enclosing each of the letters within separate rectangles.

(Ord. of 4-25-01, § 1)

Sec. 19-644. Other restrictions for building mounted signs.

(a) If the side or rear lot line of the property on which a building mounted sign is erected adjoins a R, R-TH, R- MF or A District, the raceways for any building mounted sign visible to such districts shall be painted to match the building and shall not face the adjacent lot in such districts, unless the sign is located at least 150 feet from such district.

(b) Signs may be mounted perpendicular to a building, provided that no sign shall project more than 36 inches from the building, roof or canopy, exceed a face to face thickness of eight inches or exceed the height of the fascia or parapet wall.

(c) No building mounted sign shall project above the roofline or parapet wall of any building.

(d) On all nonresidential buildings that border roads, driveways or parking lots intended for use by the general public on both the front and rear sides, the sign area for a single tenant whose leased area extends from the front to the back of the building may be increased by 100 percent, so that a sign may be placed on both the front and the rear of the building. However, the sign area exposed to any single street or view can not be increased beyond what is normally permitted. This increased sign area shall be calculated based on the maximum area of building mounted signs permitted before any other additional area is added.

(e) The maximum aggregate area of building mounted signs may be increased by 50 percent for buildings on lots located at the intersection of public roads, provided that the sign area exposed to any single street is not increased beyond what is normally permitted. This increased sign area shall be calculated based on the maximum area of building mounted signs permitted before any other increase in sign area is added.

(f) Drive-through canopy fascias with more than one color, not including the color of the copy, shall be considered building mounted signage. If only one color is used, that color shall be black or white or shall match a significant color, including major accent colors, found on the principal building. Within nonresidential communities, colors are subject to the compatibility requirement of section 19-570(a).

(Ord. of 4-25-01, § 1)

Sec. 19-645. Freestanding sign design.

(a) Sign structures for freestanding signs shall be covered with (1) a material having a similar color and finish to the building which it advertises; (2) a material and color used elsewhere on the signs; or (3) disguised as an architectural detail such as a column or a decorative wall.

(b) Any freestanding sign in an O-1 or C-1 District shall conform to village district standards.

(c) Any freestanding sign area may be increased up to 25 percent, so long as the increase is for the purpose of including changeable copy, except for those signs advertising movie theaters and gasoline/diesel fuel prices. Further, a non-residential community identification sign may be increased an additional 25 percent of the area allowed by section 19-649 provided that at least 50 percent of the total changeable copy area is solely for the advertising of special sales events by individual tenants who are not allowed their own freestanding signs by the zoning ordinance or applicable conditions of zoning for the property.

(d) For nonresidential community identification signs existing prior to April 25, 2001 that do not include changeable copy, a separate changeable copy sign may be constructed on the site in lieu of modifying the existing sign. The changeable copy sign may be up to 50 percent of the allowable sign area of the existing sign and shall be of a monument style using similar materials and colors from the existing sign. At least 50 percent of the changeable copy must be reserved for the advertising of special sales events by individual tenants who are not allowed their own freestanding signs by the zoning ordinance or applicable conditions of zoning for the property.

(e) Any freestanding sign advertising onsite retail sale of gasoline or diesel fuel may be increased by 25 square feet for the purpose of advertising fuel prices only.

(f) Any freestanding sign advertising multiple franchise businesses located inside one building on a nonresidential community outparcel where common access is shared between the franchises, may be increased by a maximum of ten square feet for the purpose of identifying the franchise(s).

(Ord. of 4-25-01, § 1)

Sec. 19-646. Calculation of freestanding sign area.

Area is measured in square feet. The area of a freestanding sign face shall be computed by means of calculating the area of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the copy together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area shall not include any sign structure when such structure otherwise meets these or other regulations and is clearly incidental to the sign itself. For a sign consisting of two or more sides, where the interior angle between any of the sides exceeds 90 degrees, the third and each succeeding sign face shall be counted when calculating sign area.

(Ord. of 4-25-01, § 1)

Sec. 19-647. Calculation of freestanding sign height.

(a) Height is measured in feet. If the sign location lies below the road elevation nearest to it, the sign height shall be measured from the road grade of the nearest travel lane to the sign to the top of the highest attached component of the sign or structure.

(b) If the sign location lies above the road elevation nearest to it, the sign height shall be measured from the normal finished grade of the site to the top of the highest attached component of the sign or structure. Artificially increasing the height of the sign by berming or mounding earth or other material at the sign base shall be permitted but calculated as part of the sign height.

(Ord. of 4-25-01, § 1)

Sec. 19-648. Freestanding identification signs.

(a) Unless otherwise specified in this chapter, only one freestanding sign is permitted. Existing signs at public schools as of April 25, 2001 that are constructed of or mounted on masonry, stone or concrete shall not be counted toward the freestanding signage allowed onsite.

(b) For freestanding sites or communities that front along two major arterials as indicated on the comprehensive plan, a freestanding sign may be permitted on each major arterial. Freestanding sites or communities that front on a major arterial and a collector road are permitted one sign on the major arterial and an additional freestanding sign not to exceed 30 square feet and a height of ten feet along the collector road. However, the sign located along the collector road shall not be externally illuminated and, further, shall not contain a changeable copy sign. Where more than one freestanding sign is permitted on a freestanding site or community, each sign must be installed so that it is not legible at the same time as any other sign from any one direction. Each sign shall be installed to be perpendicular to its respective roadway. If such sign along a collector road is within 300 feet of an R, R-TH, R-MF, or A District, subject to section 19-500, the sign must be reduced to ten square feet in area and eight feet in height, may only be illuminated internally, and shall not include changeable copy.

(Ord. of 4-25-01, § 1)

Sec. 19-649. Size restrictions for specific types of freestanding signs.

Sign	*Countywide*		*Village District*	
	Area	*Height*	*Area*	*Height*
Signs identifying a mixed use or multisubdivision occupying 50 acres or less	50	15	32	8
Signs identifying a mixed use or multisubdivision occupying greater than 50 acres	100	20	32	8
Identification signs at secondary entrances to mixed use communities and multi-residential communities	50	15	32	8
Signs identifying a nonresidential community with a	100	20	32	8

minimum of 300,000 square feet of gross floor area				
Sign identifying nonresidential community with less than 300,000 square feet of gross floor area	50	15	32	8
Signs identifying offices and industrial buildings within a nonresidential community	32	8	24	8
Signs identifying other buildings within a nonresidential community	20	8	20	8
Office and business buildings not in a nonresidential community	50	15	24	8
Industrial uses occupying 25 acres or less and not within a nonresidential community	50	15	24	8
Industrial uses occupying more than 25 acres and not within a nonresidential community	100	15	24	8
Signs identifying boarding houses, tourist homes, bed and breakfasts, or buildings with a multifamily use	16	8	16	8
Greenhouses, nurseries, lawn and garden centers	50	15	24	8
Hospitals and funeral homes	50	15	24	8
Group care facilities, group homes (except for those located in A, R, R-TH districts), rest homes and nursing homes	50	15	24	8
Stadiums, arenas, and other places of public assembly with fixed seats	50	15	24	8
Golf courses, driving ranges, miniature golf courses, bowling alleys, skating rinks, indoor/outdoor health or fitness centers, fraternal clubs and lodges	50	15	24	8
Warehouse and wholesale uses	50	15	24	8
Hotels/motels fronting on interstate highways	150	20	24	8
Hotels/motels not fronting on interstate highways	75	15	24	8
Onsite identification signs for public/semi-public uses including but not limited to churches, schools, libraries, fire stations, water/sewer treatment facilities, and cemeteries which front on roads at least 4 lanes wide	50	15	24	8
Onsite identification signs for public/semi-public uses including but not limited to churches, schools, libraries, fire stations, water/sewer treatment facilities, and cemeteries on roads less than 4 lanes wide	32	15	24	8
Neighborhood recreation facilities	32	15	24	8
Movie theaters	20 per screen w/ a min. of 50 and a max. of 200	15	24	8
Historic building identification signs. Such buildings must appear in the Historical Register for the County of Chesterfield, State of Virginia, or National Historical	16	8	16	8

Register.				
Restaurant associated with a hotel/motel (only when located in a freestanding building)	20	8	20	8
Taxi companies, train stations, bus stations, airports, service stations, car washes, vehicle rental, and vehicle repair shops	50	15	24	8
Truck terminals occupying 25 acres or less	50	15	24	8
Truck terminals occupying more than 25 acres	100	15	24	8
Vehicle sales	50	20	24	8
Village district entryway signs	70	12	70	12

(Ord. of 4-25-01, § 1)

Sec. 19-650. Nonconforming and illegal signs.

(a) A sign erected without a permit that is required to have a permit is an illegal sign.

(b) A sign that is subject to a condition that was imposed or accepted as part of any land use decision made prior to November 9, 1994, shall continue to be subject to the condition and such condition shall supersede any corresponding requirement specified in this chapter. If there is a conflict between conditions and this chapter, then the conditions shall apply. If there is no condition which addresses a specific requirement, then the requirement of this chapter shall apply.

(c) Any sign not lawfully existing prior to November 9, 1994 shall not become a legal sign by the enactment of this chapter.

(d) Any sign lawfully existing prior to November 9, 1994, which does not comply with the requirements of this chapter shall be deemed to be a nonconforming sign and may continue subject to the following conditions:

(1) The sign shall be properly maintained.

(2) If the sign is enlarged or altered structurally, the sign must come into compliance with all of this chapter's requirements.

(3) If the sign is repaired or refurbished at a cost in excess of 35 percent of the replacement cost of the total sign structure the sign must be brought into compliance with this chapter's requirements. Costs associated with normal maintenance and refacing of outdoor advertising signs shall not be deemed to be repair or refurbishing costs.

(4) Nonconforming signs and their structures that are damaged to an extent where the estimated reconstruction cost is 50 percent or more of their appraised value shall not be rebuilt or repaired, unless brought into compliance with this chapter.

(e) A nonconforming sign may be refaced without affecting its nonconforming status. However, signs that exceed the size or height requirements specified herein by 100 percent or more cannot be refaced.

(f) A new tenant in a multitenant building may erect new building mounted signs in conformance with this chapter without affecting the nonconforming status of other signs on the building.

(g) A nonconforming sign may be replaced under the following conditions:

(1) The sign is brought into conformance with this chapter; or

(2) The area and height of the sign are reduced by 50 percent of the amount the size and height exceed the current ordinance and all other requirements of this chapter are met.

(h) A business that has closed shall be required to remove any onsite or offsite signs associated with the business within 12 months of the date the business closed.

(i) All nonconforming outdoor advertising signs lawfully existing prior to July 22, 1992, may remain in place after becoming nonconforming, provided that they are maintained in accordance with this chapter.

(Ord. of 4-25-01, § 1)

Secs. 19-651--19-660. Reserved.

DIVISION 5. ACCESS AND INTERNAL CIRCULATION--NONRESIDENTIAL OR MIXED-USE DEVELOPMENTS

Sec. 19-661. Purpose and intent.

The purpose and intent of this division is to regulate nonresidential or mixed-use developments in order to maintain or improve the level of service of roads; to minimize the number of access points to roads; to promote the sharing of access and the ability of travel between sites; to ensure that development is of a scale proportionate to the capacity of existing and proposed transportation facilities; to ensure that appropriate traffic mitigation measures are provided; to provide pedestrian circulation networks among residential, commercial, and recreational areas; and to enhance safety and convenience for the public. To these ends, implementation of an approved transportation systems management plan is encouraged.

(Code 1978, § 21.1-256)

Sec. 19-662. Access to arterials and collectors.

(a) Direct access to arterials and collectors shall be approved by the director of transportation.

(b) Unless an access plan is submitted to and approved by the director of transportation for more than one access to a parcel or lot:

(1) Any parcel or lot in existence prior to August 12, 1987, that has frontage along an arterial or collector shall be permitted only one direct access from the parcel or lot.

(2) No assembly of two or more parcels that were in existence prior to August 12, 1987 and that are subsequently placed under one ownership, control and/or maintenance shall be permitted more than one direct access from the combined parcels or lots.

(c) Direct access shall be provided by, but not limited to, one or more of the following means, as determined by the director of transportation:

(1) Access to the parcel may be provided by an existing or planned public right-of-way, a special access street, and/or a private drive.

(2) Access to the site may be provided through the internal circulation of a shopping center, office complex, or similar group of buildings having access in accordance with an approved access plan.

(3) Access may be individual or shared.

(Code 1978, § 21.1-257)

Sec. 19-663. 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 tentative 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.

(Code 1978, § 21.1-258)

Sec. 19-664. Internal circulation.

All developments shall have direct and convenient vehicular circulation onsite and between adjacent properties, unless otherwise permitted by the director of transportation.

(Code 1978, § 21.1-259)

Sec. 19-665. Access plan.

Any access plan submitted to the director of transportation, in accordance with this division, shall be drawn to scale and shall include the following information, as deemed necessary by the director of transportation: (i) dimensions and distances; (ii) the traffic and pedestrian circulation system; (iii) the location and width of all streets, crossovers, driveways, access aisles, entrances to parking areas, and pedestrian ways; and (iv) any other information required by the director of transportation.

(Code 1978, § 21.1-260)

Sec. 19-666. Traffic impact analysis.

Unless the director of transportation approves specific mitigating road improvements without a traffic impact analysis, then a traffic impact analysis shall be submitted to, and approved by, the director of transportation under these circumstances:

(1) For any proposed development which is expected to generate 10,000 average daily trips (ADT) or more, based on trip generation rates as defined by the Institute of Transportation Engineers' publication, "Trip Generation,"as amended.

(2) When the proposed development is expected to significantly impact the transportation network.

(Code 1978, § 21.1-261)

Sec. 19-667. Required improvements--General provisions.

(a) The director of transportation shall determine the improvements necessary to accommodate a proposed development in accordance with, but not limited to, the following:

(1) Conformance with the thoroughfare plan or other planned transportation facilities.

(2) Maintenance of a minimum D level of service based upon a twenty-year traffic demand projection, as provided by the director of transportation, or in designated areas, no level of service below that which currently exists.

(3) Safe and efficient access.

(b) The developer shall be responsible for provision of improvements, the need for which is generated by the development, as determined by the director of transportation.

(c) The director of transportation shall be responsible for determining the functional classification of roadways.

(d) The director of transportation may establish maximum densities to achieve acceptable levels of service, as outlined in this division.

(Code 1978, § 21.1-262)

Sec. 19-668. Pedestrian access.

Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments.

(Code 1978, § 21.1-263)

Sec. 19-669. Appeals of decision of director of transportation.

Any person aggrieved by the director of transportation's decision may appeal the decision in accordance with section 19-268(d).