Chapter 24 - ZONING

*__Cross reference__—Planning commission, § 2-19 et seq.; building and building regulations, ch. 6; erosion and sediment control, § 10-27 et seq.; noise regulations, § 10-67 et seq.; weeds and grass, § 10-135 et seq.; parking or storage of vehicles used to transport inflammable liquids prohibited in residential areas, § 11-16; subdivisions, ch. 19.

*__State law reference__—Zoning ordinances generally, Code of Virginia, § 15.2-2280; intra-district uniformity of regulations, Code of Virginia, § 15.2-2282; purpose of zoning ordinances, Code of Virginia, § 15.2-2283.

ARTICLE I. - PURPOSE, APPLICATION AND INTERPRETATION

Sec. 24-1. - Purpose.

This chapter is for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Code of Virginia, § 15.2-2200, as amended. To these ends, this chapter is designed to:

(1) Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;

(2) Reduce or prevent congestion in the public streets;

(3) Facilitate the creation of a convenient, attractive and harmonious community;

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

(5) Protect against destruction of or encroachment upon historic areas;

(6) 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;

(7) Encourage economic development activities that provide desirable employment and enlarge the tax base;

(8) Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;

(9) Protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

(10) Promote affordable housing; and

(11) Protect surface water and groundwater.

(Code 1980, § 22-1; Code 1995, § 24-1)

Sec. 24-2. - Interpretation and application.

In the interpretation and application of this chapter, its provisions shall be held to be minimum requirements. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any other provisions of law or ordinance, or any regulations or permits adopted or issued pursuant to law relating to the use or construction of buildings or premises, or private restrictions, except as expressly provided herein; provided, however, that where this chapter imposes a greater restriction than is imposed by such other provisions, the provisions of this chapter shall control.

Whenever this chapter requires both a special exception (use permit) and a plan of development, the plan of development shall take precedence, and approval of a plan of development shall be deemed sufficient to meet the intent of this chapter.

(Code 1980, § 22-2; Code 1995, § 24-2)

ARTICLE II. - DEFINITIONS

***Cross reference—** Definitions and rules of construction, § 1-2.

Sec. 24-3. - Definitions.

For the purpose of interpreting and construing this chapter, certain words and terms used herein shall have the following meanings, unless the context requires otherwise.

Generally. Words in the present tense include the future, those in the singular number include the plural and vice versa; the word "building" includes the words "use" and "structure"; the word "manufacturing" includes mixing, blending, fabricating and producing; and the word "shall" is mandatory and not directory.

Accessory use or structure. A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental thereto.

Adult business. Any adult bookstore, adult video store, adult model studio, adult motel, adult movie theater, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult entertainment. Dancing, modeling or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise. Magazines, books, other periodicals, videotapes, films, motion pictures, 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 specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio. A commercial establishment, including a lingerie store or novelty store, in which a person performs or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel. A motel, hotel, or similar commercial establishment that: (i) provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually oriented type of material by

means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or (ii) offers a sleeping room for rent for a time period less than ten hours; or (iii) allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

Adult movie theater. An enclosed building regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons, excluding movies that have been rated "G," "PG," "PG-13," or "R" by the Motion Picture Association of America.

Adult nightclub. A restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult store. An establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

Agent. Any board, commission, official, administrator or agency designated by the board of county supervisors and by any provision of this chapter for the review and approval of any application for rezoning, variance, special exception and other land development approval processes.

Agricultural operations and uses. Operations and uses for the tilling of the soil, planting and harvesting of crop or plant growth of any kind in the open; pasture; horticulture; silviculture; dairying; floriculture; or raising of poultry and/or livestock.

Airport. Any airfield, aerodrome, airstrip, landing strip, aviation school, flying field, heliport, seaplane base or other place, on land or water, for the operation of aircraft.

Alley. A public or private way less than 30 feet wide and affording secondary means of access to abutting property.

Antenna. A device fabricated of fiberglass, metal or other material designed for use in transmitting or receiving communication signals and usually attached to a communication tower, building or other support structure.

Arborist. An individual trained in arboriculture, forestry, landscape architecture, horticulture or related fields and experienced in the conservation and preservation of native and ornamental trees. This definition shall also incorporate the term "urban forester."

Assisted living facility. A residential facility in which no more than eight aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and which is licensed by the Virginia Department of Social Services or other licensing authority.

Attention getting device. A device placed upon or attached to any land, structure or building to promote or advertise the sale of goods, wares, merchandise or services. The device includes pennants, banners, banner signs, streamers, balloons and inflatable devices of any configuration when displayed out-of-doors. The device shall not exceed 30 feet in height (measured from the highest point of the device, including underlying buildings and structures) to the average lot grade beneath the device and 20 feet in diameter (measured at the widest point of the device).

Automobile graveyard. Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated and which it would not be economical to make

operative, are placed, located or found.

Automobile service station. Any place of business with pumps and underground storage tanks having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto, but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts, or any body repairing or painting.

Banner sign. A sign constructed of pliable material such as paper, cloth, plastic, vinyl or other similar material not exceeding 32 square feet in area.

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The water surface elevation of the base flood as shown on either the most recent Federal Emergency Management Agency Flood Insurance Rate Map or Flood Insurance Study or on the county's most recent comprehensive drainage study map, whichever is higher. The county engineer may amend the county's comprehensive drainage study map at any time upon review of additional engineering studies of floodplain areas. For areas without mapped base flood elevations, the developer shall use the 100-year flood elevations and floodway information from federal and state sources, if available, or, when such information is not available, flood elevations derived from sufficiently detailed hydrologic and hydraulic computations by a professional engineer who certifies the correct use of currently accepted technical concepts.

Bed and breakfast home. A private, owner-occupied dwelling with guestrooms where transient guests may stay for periods up to two weeks. Meals may be served to guests. The bed and breakfast function shall not detract from the primary residential use or appearance of the building.

Best management practice or *BMP.* Measures and practices that are the most effective, practicable means of preventing or reducing pollution inputs from nonpoint sources to water bodies. Such measures, which are sometimes structural, are described in authoritative publications such as *Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs.*

Billiard parlor. A business establishment or club open to the public in which three or more tables are maintained for the play of billiards, pool or bagatelle as the principal use of the building.

Block. That property fronting on one side of a street and lying between two intersecting streets or otherwise limited by a railroad right-of-way, a live stream, an unsubdivided tract or other physical barrier of such nature as to interrupt the continuity of development.

Board. The board of zoning appeals of the county.

Boardinghouse. A building other than a hotel, motel, bed and breakfast home, or short-term rental, where lodging is provided for compensation for three or more, but not exceeding nine, residents.

Boat trailer. A boat trailer is a vehicular structure built on a chassis and designed for transporting boats, with an overall length, including hitch, of not more than 40 feet.

Brewery. A business licensed by the commonwealth to brew beer without limitation as to number of barrels per year, which may include bottling and wholesale distribution.

Buffer. A natural or landscaped area or screening device intended to provide a horizontal distance and open space, preserve vegetation and to lessen the impact and adverse relationship between dissimilar, unrelated or incompatible land uses and/or provide an area of natural or planted vegetation to protect Chesapeake Bay Preservation Areas and county and state waters from degradation due to land disturbances or uses.

Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter, housing or enclosure of persons, animals or chattels, including tents, cabins, house trailers and carports. Where divided by party walls from the ground to the ceiling, each portion of a structure shall be deemed to be a separate building.

Building, height of. The vertical distance from the average established curb grade or from the average finished grade at the front building line, if higher, to the highest point of the roof of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for a gable, hip or gambrel roof.

Caliper. The diameter of a tree trunk measured six inches above ground level for nursery stock and 4½ feet above ground level for naturally occurring existing trees.

Caregiver. An adult who provides care for a mentally or physically impaired person who requires assistance with two or more activities of daily living, as defined in Section 63.2-2200 of the Code of Virginia, as certified in writing by a physician licensed in Virginia. A caregiver shall be either related by blood, marriage, or adoption to, or the legally appointed guardian of, the mentally or physically impaired person for whom he is caring.

Cemetery. A place for burial of the human dead, where lots are sold.

Cemetery for pets. A place for burial of the animal dead, where burial rights are sold.

Chesapeake Bay Preservation Area or CBPA. Any land designated by the county pursuant to part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, VR 173-02-01, and Code of Virginia, § 10.1-2107, as amended. A Chesapeake Bay Preservation Area shall consist of a resource protection area (RPA) and a resource management area (RMA).

Child care center. Any facility other than a public school, private school or single-family dwelling where care is provided for children between the hours of 6:00 a.m. and 12:00 midnight.

Class A sludge. Sludge which meets all requirements of, and is approved by, the Virginia Department of Health and the state water control board as class A sludge.

Clearing. Any activity which removes vegetation including, but not limited to, trees, root mat or topsoil.

Commercial use means any use in a business, office, office service, or institutional district as classified and defined in this chapter.

Communication tower. A tower of any type which supports or is intended to support communication (broadcast and/or receiving) equipment and accessory equipment utilized by commercial, governmental or other public and quasi-public users, not to include home use of radio and television antennas and support structures, satellite dishes or antennas and support structures, satellite dishes or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission.

Conditional use. A use that may be permitted in a district under certain conditions, to be determined in each case by the board of appeals as provided for in section 24-116(c).

Conditional zoning or zone. A zoning district or portion thereof which has been established pursuant to provisions of article XXVI and which is subject to reasonable conditions proffered in writing by the owner of the subject property and agreed to by the board of supervisors in a zoning action to which such conditions are applicable in addition to those regulations provided for that particular zoning district, or portion thereof, by the overall zoning chapter.

County landscape manual. The administrative manual setting forth guidelines, administrative procedures and technical assistance designed to assist implementation of the landscaping, tree cover, buffer requirements and transitional screening and design standards of the zoning chapter.

Court. An open, unoccupied space other than a yard on the same lot with a building.

Court, outer. A court enclosed on three sides by the walls of a building, but open on the fourth side.

Cul-de-sac. A local street, one end of which is closed with a permanent circular turnaround.

Cul-de-sac, terminus. The first point from the tangent of the standard right-of-way width along the radius of a public cul-de-sac street.

Dam means a manmade structure across a watercourse used to restrain water.

Dam break inundation zone means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.

Dancehall, public. A public dancehall shall be construed to mean any place open to the general public where dancing is permitted, to which an admission fee is charged or for which compensation is in any manner received. The sale of any refreshments, food or any form of merchandise or the exhibiting of such for sale shall be deemed compensation.

Restaurants shall be excluded from this definition; provided, however, that area devoted to dancing, if provided, shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparation and service areas), whichever is greater.

Private clubs shall be excluded from this definition, provided attendance at dances is limited to bona fide members of such clubs and bona fide guests of such members. If admission privileges to a private club are sold or otherwise permitted to the general public at any time, then such club shall be classified as a public dancehall and shall conform to all applicable regulations.

This definition is applicable only to the zoning chapter and not to the requirements of other county ordinances relating to dancehalls.

Development. Any manmade change to land such as the construction of buildings and structures, mining, dredging, filling, grading, paving, excavation or drilling.

Development, multifamily. Development consisting of various combinations of three or more dwellings and associated uses when situated on a lot or premises and when said lot or premises is in one or common ownership.

Director of planning. The zoning administrator responsible for the administration, interpretation and

enforcement of this chapter except where specifically noted in section 24-106.3.

Distillery. A business licensed by the commonwealth to manufacture alcoholic beverages other than wine and beer, which may include bottling and wholesale distribution.

District. A portion of the county within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter. The term "R district" shall mean any of the districts the designation of which begins with the letter R; the term "O district" shall mean any of those beginning with the letter O; the term "B district" shall mean any of those beginning with the letter B; the term "M district" shall mean any of those beginning with the letter M; and the term "A district" shall mean the A-I district.

Drip line. A vertical line extending from the outermost edge of the tree canopy or shrub branch spread to the ground.

Dwelling. Any building or portion thereof occupied or designed to be occupied exclusively for residential purposes, but not including a tent, cabin or travel trailer or a room in a hotel or motel.

Dwelling, multifamily. A building or structure, or portion thereof, designed for or occupied by three or more families, except those operated primarily for transients.

Dwelling, one-family. A detached dwelling designed for or occupied exclusively by one family when situated on a lot or premises and serving as the principal permitted use for the lot or premises.

Dwelling, semidetached. Two single-family dwellings with separate entrances and situated on adjacent lots, each dwelling separated from the other by a party wall or exterior wall having a zero setback from the common lot line. No openings shall be permitted in the party wall or those portions of the exterior wall having a zero setback from the common lot line. The front wall immediately adjacent to the common lot line of one dwelling shall not be set back a greater distance from the front line than the rear wall immediately adjacent to the common lot line of the adjacent dwelling.

Dwelling, two-family. A building or structure containing two dwellings for one family each when situated on a lot or premises and serving as the principal permitted use for such lot or premises.

Enhanced transitional buffer. A buffer that must be provided within an overlay district in addition to the transitional buffer required by the underlying zoning district.

Facility, recyclable materials processing. A facility for the preparation for reuse of any recyclable material including the sorting, processing, assembling, packaging, baling and storage of materials made from previously prepared basic materials such as paper, plastic, metals and aluminum, cloth, rubber, oils and grease, glass, wood and similar materials.

Facility, recycling collection. A facility utilized by the general public for the collection of materials for recycling or reuse, including bin(s), box(es), building(s), self-propelled motor vehicle(s), trailer(s) and other enclosures or receptacles. This definition shall not include facilities for the collection of nonrecyclable materials, such as business and household refuse, garbage, organic materials, medical wastes, trash, junk, toxic substances or similar materials.

Family. A person living alone or any number of persons living together as a single housekeeping unit including domestic servants, caregivers, foster children and adults, and supervisory personnel in a group care facility. The term "family" shall not include the members of a social club; the residents of a

convalescent or nursing home, retirement home, assisted living, or memory care facility; the residents of a boardinghouse; the guests of a hotel, motel, or bed and breakfast home; or short-term renters.

Family day home, large. A private dwelling where care is provided as an accessory use for six to 12 children, exclusive of the provider's own children and any children who reside in the home.

Family day home, small. A private dwelling where care is provided as an accessory use for one through five children, exclusive of the provider's own children and any children who reside in the home.

Farm winery. A business licensed by the commonwealth as a farm winery under title 4.1 of the Code of Virginia.

Floodplain. Any land area susceptible to being inundated by water from any source other than a dam break.

Floor area, finished. That area which is so completed as to be in conformity with the conditions of the main living area, but not necessarily utilizing the same building materials.

Floor area, livable. Floor area designed for yearround family living, enclosed or protected from the weather, but not intended for storage or similar uses, and not including garages, carports, cellars, basements, attics, open porches, atriums, patios and breezeways. Basement space may be included as livable floor area when designed as a family room, game room or similar use with an exposed outside wall containing windows or doors.

Forestry. The development and/or maintenance of a forest or woodland area under a forest management plan. Included are establishments engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or other silvicultural activities.

Garage, private. An accessory building, occupied or intended for occupancy by the noncommercial vehicles of the families resident on the lot, including a carport. If all the spaces in a garage of three-vehicle capacity, or more than half the spaces in a larger garage, are occupied by vehicles of nonresident persons, or if any garage is occupied by any commercial vehicle exceeding 10,000 pounds gross weight, or by more than one commercial vehicle of a family resident on the lot, or by any other commercial vehicles, it shall be deemed to be a public garage.

Garage, public. Any building, other than a private garage, used for the storage, repair or refinishing of motor vehicles or where any such vehicles are equipped for operation or kept for remuneration, hire or sale.

Geodetic Control Network means the system of survey monuments installed by the county to create a common coordinate reference for control points used in making measurements.

Graveyard. A place for burial of the human dead, consisting of one or more graves which have been set aside and maintained by a place of worship or family.

Gross weight. The aggregate weight of a vehicle and the load it is designed to carry, as recorded by the state division of motor vehicles.

Group home. A residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or nonresident staff

persons and which is licensed by the Virginia Department of Behavioral Health and Developmental Services or other licensing authority.

Group housing project. A group of dwellings and associated uses all in one ownership located on a site in such a way that the normal requirements of lot size and frontage, or building locations, or yards, courts or other provisions, cannot be applied.

Guesthouse. An accessory building without cooking facilities, intended for intermittent occupancy by one or more guests, and for which a certificate of occupancy has been issued.

Guestroom. 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.

Hedge. A dense planting of shrubs or small trees arranged in a row.

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

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

Hospital complex. Three or more attached or detached buildings, at least one of which is a hospital licensed as provided for in the Code of Virginia as a general or acute care hospital and designed, arranged and occupied for the purpose of furnishing hospital, health care and related services to human beings, together with other accessory structures.

Hotel, motel, motor lodge, motor hotel. A building or group of attached or detached buildings containing in combination three or more lodging or dwelling units intended primarily for rental or lease to transients by the day or week, as distinguished from multiple-family dwellings in which rentals or leases are for longer periods and occupancy is generally by residents rather than for transients.

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.

Impounding structure means a dam or a manmade structure outside a watercourse used or to be used to retain or store waters or other materials as defined by Code of Virginia, § 10.1-604. The term includes: (i) all dams that are 25 feet or greater in height and that create an impoundment capacity of 15 acre-feet or greater and (ii) all dams that are six feet or greater in height and that create an impoundment capacity of 50 acre-feet or greater. The term "impounding structure" shall not include: (a) dams licensed by the state corporation commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet; (d) water or silt retaining dams approved pursuant to Code of Virginia, § 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

Inflammable liquids. See Fire Underwriters' Fire Prevention Code, article 9, dated 1956.

Kennel or *animal boarding place.* Any building and/or premises used, designed or arranged for the boarding, breeding or care of four or more dogs, cats, pets, fowl or domestic animals of at least four months of age.

Land development approval process. An administrative procedure for approvals required by the County Code, including approvals of construction plans, plans of development, conditional and special use permits, provisional use permits, landscape plans, erosion and sediment control plans, building permits, conditional and/or final subdivision plats and construction plans. This definition shall not be construed to include bona fide agricultural operations, structures and/or buildings and publicly financed projects such as, but not limited to, road construction and improvements, sanitary sewers and drainage projects and solid waste and wastewater projects deemed necessary for public health, safety, welfare and preservation or protection of life and property.

Land disturbing activity. Any clearing, grading, excavating, transporting or filling of land.

Landscaping. The improvement of a lot with grass, ground covers, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include mounds or earth forms, pedestrian walks, flower beds, ornamental objects such as trellises, fountains or statues, water features, ponds and other natural or manmade features.

Life care facility. A residential facility for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home-type care, where all related uses are located on the same lot. Such facility shall include other services integral to the personal and therapeutic care of the residents thereof and shall be licensed and regulated as a home for adults under Code of Virginia, title 63.1, as amended, or any successor legislation. The facility shall be administered in such a manner as to restrict occupancy of residential dwelling units only to persons 62 years of age or older. When two persons desire to live together as a family in a life care unit, only one of such person must satisfy the 62 years of age or older requirement.

Limited brewery. A business licensed by the commonwealth to manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm.

Limited distillery. A business licensed by the commonwealth to manufacture no more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm.

Live entertainment. Entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.

Lot. Any parcel of land occupied or intended to be occupied by a principal building and its accessory buildings and uses, together with such open spaces as are required by this chapter, which contains at least the minimum area and width required by this chapter for a lot in the district in which such lot is situated.

Lot, corner. A lot bordering on two streets which intersect at an angle not greater than 135 degrees. A "reversed corner lot" is one that is turned, with reference to an adjoining lot, to front on the intersecting street.

Lot, cul-de-sac. A lot which fronts at least 35 feet but less than 50 feet along the terminus of a public cul-de-sac street with linear side lot lines extending from the right-of-way of the cul-de-sac to the actual front yard depth (setback) at which the lot width is to be measured.

Lot depth. The mean horizontal distance between the front and rear lot line.

Lot, double-frontage. A lot, other than a corner lot, which has a frontage on two more or less parallel streets.

Lot, flag. A lot having access to a public cul-de-sac street through a strip of land a minimum of 20 feet wide being a part of the lot, which lot does not meet the minimum street frontage or lot width provisions of this chapter.

Lot line, front. The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which a predominance of the other lots in the block front.

Lot line, rear. The lot line opposite and most distant from the front lot line.

Lot line, side. Any lot line other than a front or rear lot line.

Lot, stem. A lot which does not meet minimum street frontage or lot width requirements but which has access to a public cul-de-sac street through a part of the lot (its access strip) at least 20 feet wide.

Lot width. The width of the lot measured at right angles to the centerline of the lot at the minimum front yard depth (setback). For flag lots, stem lots and cul-de-sac lots, the width of the lot measured at the actual front building line.

Manufactured home. A structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

Manufactured home park. A lot or parcel on which are located, or which is arranged or equipped for the accommodation of, two or more manufactured homes occupied for living purposes.

Medical office. An establishment where patients are admitted for outpatient examination, diagnosis, treatment or consultation by physicians or dentists.

Microbrewery. A business licensed by the commonwealth to brew beer that brews no more than 3,000 barrels of beer per calendar year for sale at a restaurant or retail business on the same premises where the beer is brewed.

Motel. See *Hotel.*

Nonpoint source pollution. Pollution from diffuse sources such as runoff from agriculture, silvicultural and land development and uses.

Noxious weeds. Weeds that are difficult to control effectively, such as Johnson grass, kudzu and multiflora rose.

Parking deck. A building which is enclosed or partially enclosed and is used for the parking of passenger motor vehicles. No area designed for parking shall be used or converted to any other use or purpose.

Parking lot, public. An area containing one or more parking spaces for self-propelled passenger vehicles, designed for and available to the public as an accommodation for patrons, customers or employees, either with or without charge.

Parking spaces, substitute. Substitute parking spaces are those spaces which are necessary to meet the requirements of this chapter and which can be accommodated on site with the use(s) they serve, but which are located on an existing off-site parking lot which is underutilized.

Plan of development. A site plan required under section 24-106 of this chapter. This includes plans of development (POD), administrative site plans and schematic site plans.

Planting area. The area within which vegetation is installed and which provides adequate space sufficient to maintain and ensure the healthy survival of trees and other vegetation.

Provisional use. A use or supplementary regulation which may be permitted under certain ordinances with suitable regulations and safeguards to be determined in each case pursuant to the terms of this chapter by the board of supervisors of the county through the authorization and issuance of a provisional use permit.

Redevelopment. The process of redeveloping land that is or has been previously developed.

Refuse container. A container with a capacity of two cubic yards or greater that has a hooking mechanism which permits it to be raised and dumped into a sanitation truck or recycling truck

Resident. Any person who lives in a dwelling unit or portion thereof on a long-term or permanent basis, as distinguished from a guest or short-term renter.

Resource management area or *RMA.* That component of the Chesapeake Bay Preservation Area that is not classified as the resource protection area. It shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

Resource protection area or RPA. That component of the Chesapeake Bay Preservation Area comprised of sensitive lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Restaurant. Any building where food, edibles and/or beverages are prepared and served for consumption only within the building.

Restaurant, drive-in. Any building intended, designed or used for the sale of food, edibles and/or beverages for any consumption outside of the building on the premises.

Restaurant, take-out. Any building intended, designed or used for the sale of food, edibles and/or beverages for any consumption off the premises.

Screen. A vertical barrier designed to reduce visual impact, noise and wind through the use of masonry walls, mounds, plants, fences and/or a combination thereof.

Self-service storage facility. A maximum of two structures designed and used for leasing individual storage spaces to which the lessees have access for storing or removing their personal property.

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

Short-term rental, hosted stay. A short-term rental during which the homeowner is present in the dwelling.

Short-term rental, unhosted stay. A short-term rental during which the homeowner is not present in the dwelling.

Short-term renter. Any person permitted to occupy a short-term rental for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, and any companions or guests of such person.

Shrub. A relatively low growing woody plant typified as normally having a growth habit consisting of several permanent stems instead of a single trunk.

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.

Sign. Any device (writing, letters, numerals, illustration, emblem, symbol, trademark, device, figure or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include the display of merchandise for sale on the site of the display.

Sign, attached. Any accessory sign attached to or painted on the outside wall of a building.

Sign, detached. A sign not attached to or painted on a building, but which is permanently affixed to the ground or to a fence or wall that is not part of a building.

Sign, monument. A detached sign that is either: 1) a solid structure made of brick, stone, concrete or similar durable type of material; or 2) constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base. The width of the base shall be at least 90 percent of the width of the sign.

Sign, outdoor advertising. A detached or attached sign and supporting sign structure, including a billboard, which advertises or directs the attention of the general public to a profession or business conducted, or to a commodity, service, activity or entertainment sold or offered, which is located off the premises on which the sign is located.

Sign, temporary. A sign not intended for permanent display and not permanently fixed to the ground or a structure, usually constructed of cloth, canvas, vinyl, paper, fabric, or other lightweight material.

Sign, window. A sign visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.

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

Small animal hospital. A veterinarian facility for the medical and surgical treatment of small animals. Use as a kennel shall be limited to shorttime boarding and shall only be incidental to such hospital use. Small animals shall be deemed to be ordinary household pets, excluding horses, donkeys or other such animals not capable of being cared for entirely within the confines of a residence.

Special flood hazard area. The special flood hazard areas are designated as zones A and AE on the most recent Flood Insurance Study or the Federal Emergency Management Agency Flood Insurance Rate Map, effective December 18, 2007, both of which are hereby incorporated by reference, or as floodplain on the county's most recent comprehensive drainage study map. In case of any conflict, the higher base flood elevation shall control. Any changes to the special flood hazard areas as delineated on the most recent Flood Insurance Study or the Federal Emergency Management Agency Flood Insurance Rate Map must be approved in advance by the Federal Insurance Administration.

Specified anatomical areas. Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or 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; sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast, including masturbation.

Steep slopes. Any land area which rises or falls at a rate of 20 feet or more per 100 feet as measured in the horizontal plane.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement, and as a half story for the purpose of yard measurement, if its ceiling is over five feet above the level from which the height of the building is measured, or if it is used for business purposes other than storage, or if it is used as a separate dwelling unit by other than a janitor or other employee and his family.

Story, half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior sides are not more than two feet above the floor of such story; provided, however, that any such story used as a separate dwelling unit, by other than a janitor or other employee and his family, shall be counted as a full story.

Stream, nontributary. Nontributary streams are those intermittent streams depicted as a broken blue line on the most recent U.S. Geological Survey 7½-minute topographic quadrangle map (scale 1:24,000) unless site-specific information demonstrates the map resource to be incorrect.

Stream, tributary. Tributary streams are those perennial streams depicted as a solid blue line on the most recent U.S. Geological Survey 7½-minute topographic quadrangle map (scale 1:24,000) unless site-specific evidence demonstrates the map resource to be incorrect.

Street. A dedicated public thoroughfare which affords the principal means of access to abutting

property, including road, highway, drive, lane, avenue, place boulevard or any other thoroughfare except an alley.

Streetscape buffer. A buffer that is located within an overlay district and adjacent to an ultimate right-of-way as determined by the department of public works or the Virginia Department of Transportation.

Structural alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything constructed by an assembly of materials, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

Substantial alteration. Expansion or modification of a building or development which would result in disturbance of any land within a resource protection area or land disturbances of 2,500 square feet or more within a resource management area.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia Sec. § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth, (iii) has no more than 300 gross square feet of floor area, and (iv) complies with applicable provisions of the Virginia Industrialized Building Safety Law and the Uniform Statewide Building Code.

Tidal shore. Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

Townhouse. A single-family dwelling located or sited on individual subdivided lots designed to be sold as a unit. In the event that two or more units are attached, each unit shall be separated from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls, from basement to roof.

Trailer park. A lot on which are located, or which is arranged or equipped for the accommodation of, two or more house trailers occupied for living purposes.

Transitional buffer. An area within a lot which contains a natural or landscaped area, or screen or both along the boundary of property line of specified zoning districts or between unrelated or incompatible uses. Such areas shall be as required by the matrix chart in section 24-106.2 and their widths shall be measured horizontally at right angles to the lot line.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used as a temporary dwelling for travel, recreational and vacation uses, with an overall length, including hitch, of not more than 40 feet.

Tree. A woody, tall growing perennial plant generally with one main stem or trunk, but including multiple-stemmed plants, which characteristically develops many branches, generally at greater height above the ground than shrubs.

Tree, cover or canopy. The area directly beneath the crown and within the dripline of a tree. Such area

shall be computed and used as the basis of meeting the requirements of section 24-106.2.

Tree, deciduous. A shade or flowering/ornamental tree which sheds its foliage during a particular season.

Tree, evergreen (or coniferous). A tree which retains its green foliage throughout the year.

Tree, heritage. Any tree which has been designated by the board of supervisors as having notable historic or cultural significance.

Tree, mature. Any deciduous or coniferous tree with a minimum diameter (caliper) of 14 inches when measured 4½ feet above ground level.

Tree, memorial. Any tree which has been designated by the board of supervisors to be a special commemorating memorial.

Tree protection plan. A plan for the protection and/or replacement of trees.

Tree protection zone. Any area of a lot outside of the lot's buildable area within which existing trees and other natural vegetation are subject to regulation pursuant to section 24-106.2 of this chapter. Such zones must be clearly delineated on an approved plan in order to be considered for tree cover credit.

Tree, significant. Any deciduous or coniferous tree with a minimum diameter (caliper) of 22 inches when measured 4½ feet above ground level.

Tree, specimen. Any tree which has been designated by the board of supervisors to be notable by virtue of its outstanding size and/or quality for its particular species.

Use. The purpose for which land or a building thereon is designed or arranged for which it is occupied or maintained.

Utility trailer. A vehicular structure built on a chassis and designed to be used by the individual for personal hauling, with an overall length, including hitch, of not more than 40 feet.

Variance. A reasonable deviation from the provisions of this chapter regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this chapter. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Vehicle storage area. Any lot or place which is exposed to the weather and upon which no more than five motor vehicles of any kind, which are inoperative, are placed, located or found.

Veterinarian hospitals and clinics. Any facility rendering surgical and medical treatment to animals. Use as a kennel shall be limited to shorttime boarding and shall only be incidental to such hospital use.

Virginia State Plan Coordinate System means the Virginia Coordinate System of 1983 as described in Code of Virginia, § 55-287 et seq., as amended.

Water-dependent facilities. Any use that cannot exist outside of the Resource Protection Area and must be located on the shoreline or within water because of the intrinsic nature of its operation. Such uses

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; and

(5) Fisheries or other marine resource facilities.

Wetlands, nontidal. 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 current federal regulatory programs under section 404 of the Clean Water Act.

Wetlands, tidal. Vegetated and nonvegetated wetlands as defined in Code of Virginia, § 28.2-1300.

Winery. A business licensed by the commonwealth as a winery under title 4.1 of the Code of Virginia.

Woodland. A tract of land dominated by trees.

Woodline. Line separating areas of woodland from nonwoodland areas. For purposes of this chapter, the woodline shall be defined as the line surrounding the woodland, including the outermost edge of the dripline of the trees contained therein plus five feet.

Yard. An open space on the same lot with a building, a group of buildings, or a use, which space is unoccupied and unobstructed from the ground upward, except as herein provided.

Yard, front. A yard lying between the front lot line and the nearest part of the building or use not hereinafter excepted, and extending across the full width of the lot. The "minimum front yard depth" shall mean the shortest distance, measured horizontally, between any part of the building or use not specifically excepted and the front lot line.

Yard, rear. A yard lying between the rear lot line and the nearest part of the building not hereinafter excepted and extending across the full width of the lot. The "minimum rear yard depth" shall mean the shortest distance, measured horizontally, between any part of the building not specifically excepted and the rear lot line.

Yard, side. A yard lying between a side lot line and the nearest part of the building or use not hereinafter excepted, and extending from the front yard to the rear yard. "Street side yard" shall mean a yard on the street side of a corner lot. "Interior side yard" shall mean any other side yard. "Minimum side yard width" shall mean the shortest distance, measured horizontally, between any part of the building or use not specifically excepted and the nearest side lot line.

Zero lot lines. A term used to describe a planned arrangement of buildings which touch lot lines, thereby providing zero yard on that side.

(Code 1980, § 22-3; Code 1995, § 24-2; Ord. No. 907, 8-9-1995; Ord. No. 920, § 1, 5-8-1996; Ord. No. 937, § 1, 11-13-1996; Ord. No. 957, §§ 1, 2, 8-13-1997; Ord. No. 988, § 1, 8-10-1999; Ord. No. 993, § 1, 10-12-1999; Ord. No. 998, § 1, 2-22-2000; Ord. No. 1023, § 1, 2-12-2002; Ord. No. 1038, § 1, 10-8-2002; Ord. No. 1058, § 1, 11-12-2003; Ord. No. 1116, § 5, 11-27-2007; Ord. No. 1117, § 1, 11-27-2007; Ord. No. 1138, § 12, 11-10-

2009)

ARTICLE III. - DISTRICTS

Sec. 24-4. - Division into districts.

For the purpose of this chapter, the territory of the county is hereby divided into districts as follows:

R-0	One-family residence district
R-0A	One-family residence district
R-1	One-family residence district
R-1A	One-family residence district
R-2	One-family residence district
R-2A	One-family residence district
R-3	One-family residence district
R-3A	One-family residence district
R-4	One-family residence district
R-4A	One-family residence district
R-5	General residence district
R-5A	General residence district
RMP	Residential manufactured home park
RPN	Planned neighborhood district
R-6	General residence district
RTH	Residential townhouse district
O-1	Office district
O-2	Office district
O-3	Office district
O/S	Office services district
O/S-2	Office service 2 district
A-1	Agricultural district
B-1	Business district
B-2	Business district
B-3	Business district
M-1	Light industrial district
M-2	General industrial district
M-3	Heavy industrial district
PMD	Planned industrial district
C-1	Conservation district
I-1	Institutional district
ASO	Airport safety overlay district
WBSO	West Broad Street overlay district
IRO	Innsbrook Redevelopment overlay district
WRO	Westwood Redevelopment overlay district

(Code 1980, § 22-4; Code 1995, § 24-4; Ord. No. 937, § 2, 11-13-1996; Ord. No. 980, § 2, 9-23-1998)

Sec. 24-5. - District boundaries and maps.

(a) The location and boundaries of the districts created in this chapter are hereby established as shown on the maps derived from digital source files maintained by the county entitled "Zoning Districts Map of Henrico County, Virginia," effective January 1, 2002. The maps, digital source files, and all notations, dimensions and designations shown thereon are incorporated by reference as part of this chapter.

(b) The district boundaries shown on the zoning maps are intended to follow lot lines, property lines or the centerlines of streets or alleys as they exist at the time of passage of this chapter; except that where a district boundary obviously does not follow any such line, and is not defined by dimensions or other means, it shall be determined by scaling.

(c) Questions concerning the exact location of district boundary lines shall be determined by the board of appeals as provided in section 24-116(d), and in accordance with rules and regulations which it may adopt. Where a district boundary line shown on the map divides a lot which was in single ownership and of record at the time of adoption of this chapter, or any amendment thereto, the board may authorize a variance in the line to include all of the lot in the same district, provided such a variance does not extend more than 50 feet.

(d) In case any territory is not included definitely within any of the districts on the county zoning maps, such territory shall be deemed to be in C-1 district except as provided in subsection (e) or by zoning amendments approved by the board of supervisors.

(e) The zoning for all parcels and lots that become part of the county on January 1, 2005, pursuant to an agreement to relocate the common boundary line between the County of Goochland and the County of Henrico executed on June 23, 2004, shall be A-1 Agricultural.

(Code 1980, § 22-5; Code 1995, § 24-5; Ord. No. 911, 11-21-1995; Ord. No. 1020, § 1, 11-27-2001; Ord. No. 1074, § 1, 11-23-2004)

Cross reference—Ordinances relating to rezoning or zoning map saved from repeal, § 1-10(a)(10).

ARTICLE IV. - GENERAL PROVISIONS

Sec. 24-6. - Conformance required.

Except as hereinafter provided for existing uses, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be erected, located, reconstructed, enlarged, converted or altered, except in conformity with the regulations herein specified for the district in which it is located.

(Code 1980, § 22-6; Code 1995, § 24-6)

Sec. 24-7. - Continuation of existing uses and permits.

(a) Any lawful use, building or structure existing at the time of adoption of this chapter or any amendment thereto may be continued, even though such use, building or structure may not conform with the provisions of this chapter 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 such right to continue said use, building or structure.

(b) Nothing herein contained shall be construed to affect any building permit lawfully granted before this chapter becomes effective nor any authorization lawfully granted by the board before this chapter becomes effective.

(Code 1980, § 22-7; Code 1995, § 24-7)

Sec. 24-8. - Nonconforming uses; regulations.

No nonconforming building or use shall be moved, enlarged, extended, reconstructed, substituted or structurally altered except when required by law or order, unless the use thereof is changed to a use permitted in the district in which located, except as in section 24-66(a) or as follows:

(a) Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use at the time of adoption of this chapter, provided no structural alterations except those required by law are made therein.

(b) Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, provided the enlargement or structural alteration complies with these requirements and the building remains conforming as to use.

(c) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification; but it shall not thereafter be changed back to a use of a less restricted classification.

(d) A residential or commercial building may be repaired, rebuilt or replaced after being damaged or destroyed by a natural disaster or other act of God to eliminate or reduce nonconforming features to the extent possible, without the need to obtain a variance as provided in Code of Virginia, § 15.2-2310, as amended. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall comply with the floor area, lot, yard, road frontage, distance or height requirements of this chapter as nearly as possible. The owner shall apply for a building permit, and any work done to repair, rebuild or replace such building shall be in compliance with the Uniform Statewide Building Code and the floodplain regulations adopted in section 24-106.1 as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within four years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with this chapter.

(e) Except as provided in subsection (d), no building, structure or premises where a nonconforming use has ceased for two years or more shall again be put to a nonconforming use.

(f) Notwithstanding the requirements of subsections (a) through (e) above and the provisions of section 24-95(u), a nonconforming use or structure within a resource protection area may be continued but not necessarily enlarged, extended or structurally altered unless a waiver is granted pursuant to section 24-106.3 of this chapter.

(g) All nonconforming buildings and uses in any R district which are of a type first permitted in the B-2 district or are restricted from said district may be continued for a period of ten years after the adoption of this chapter, unless the owner produces satisfactory evidence that the building at that time is less than 40 years old, in which case the use may be continued until the building does become 40 years old, after which (in either case) the use shall be changed to a conforming use or the building shall be removed.

(h) For purposes of this section, the term "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or § 18.2-80 of the Code of Virginia and obtain vested rights under this section.

(Code 1980, § 22-8; Code 1995, § 24-8; Ord. No. 1092, § 1, 1-23-2007; Ord. No. 1138, § 13, 11-10-2009)

Sec. 24-9. - Public street frontage required.

Except as provided below, no lot shall be used in whole or in part for dwelling purposes unless such lot abuts a public street right-of-way for at least 50 feet. No lot or parcel of land abutting the terminus of a public street right-of-way shall be deemed, by virtue of such abutment, to have frontage on a public street right-of-way, unless such lot fronts on an approved permanent cul-de-sac. No lot or parcel of land abutting the right-of-way of an interstate highway shall be deemed, by virtue of such abutment, to have frontage on a public street right-of-way.

(a) Summerhouses, cabins, or camps as permitted by sections 24-51(c) or 24-88(f) need not abut a public street.
(b) Every flag lot subject to section 24-95(r) shall abut a public cul-de-sac street for a minimum distance of 20 feet as provided in section 24-95(r)(5).
(c) Every cul-de-sac lot shall abut a public cul-de-sac street for a minimum distance of 35 feet and shall be subject to the requirements of section 24-95(v).
(d) Every stem lot shall abut a public cul-de-sac street for a minimum distance of 20 feet and shall be subject to the requirements of section 24-95(w).
(e) Lots created by family subdivision as provided in sections 19-97 through 19-101 need not abut a public street.

(Code 1980, § 22-9; Code 1995, § 24-9; Ord. No. 988, § 2, 8-10-1999)

Sec. 24-10. - Distance requirements.

(a) Uses, buildings or premises for which compliance with the distance requirements in this subsection is stipulated in the following regulations shall be distant at least 400 feet from any lot in any residence district and 200 feet from any other lot occupied by a dwelling other than a farm dwelling or by any school, place of worship, or any institution for human care not located on the same lot with the said uses or buildings.

(b) Any private stable or enclosure for the keeping of not more than three horses and/or ponies for personal enjoyment and not as a business shall be distant at least 400 feet from any dwelling in any residence district and 200 feet from any other dwelling other than a farm dwelling or from any school, place of worship, or any institution for human care not located on the same lot with said uses or buildings. Any buildings or enclosures shall further meet the minimum side and rear yard requirements for other permitted uses in the district in which located; and provided further, that there shall be no more than one horse and/or pony permitted on the premises for each acre of enclosed land.

(Code 1980, § 22-10; Code 1995, § 24-10)

ARTICLE V. - R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 AND R-4A ONE-FAMILY RESIDENCE DISTRICTS; USES

Sec. 24-11. - Principal uses permitted.

The following uses shall be principal uses permitted in districts zoned R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4 and R-4A. No property may be rezoned to R-3A, R-4 and R-4A after April 25, 2000. Properties zoned R-3A, R-4, and R-4A on April 25, 2000, shall not be deemed to be nonconforming and shall be developed and used in accordance with the provisions of this chapter applicable to such districts.

(a) One-family dwellings to include assisted living facilities and group homes when located and operated in one-family dwellings.

(b) Places of worship, schools (including child care, charitable, cultural, and other community service activities on school property), colleges and universities (including educational, scientific and other related research facilities). County-owned or county-leased buildings and properties of a conservational, cultural, administrative or public service type and publicly owned or publicly leased

buildings and property of a recreational type, with approval of a layout plan of development, in accordance with section 24-106, by the board of supervisors.

(c) Farming, dairy farming, livestock, rabbit and poultry raising, and all uses commonly classed as agricultural, with no restrictions as to the operation of such buildings, machinery or vehicles as are customarily incidental to such uses; except, that no livestock, rabbits, poultry or other animals shall be permitted to run at large, that all buildings shall be subject to the yard requirements specified herein and that any buildings or yards for the enclosure or feeding of animals or poultry shall observe the distance requirements of section 24-10.

(d) Public and private forests, wildlife preserves and similar conservation areas.

(e) Child care centers operated in a place of worship between the hours of 6:00 a.m. and 12:00 midnight.

(f) County-owned water or sewage pumping stations, water storage tanks and well houses, with a minimum yard on all sides of 20 feet, except all yards shall be increased by one foot for every two feet that the building or structure exceeds the permitted building height. All such buildings or structures shall be provided with an easement of access at least 16 feet wide. County-owned sewage treatment plants must have a lot greater than two acres.

(g) Temporary display of representative or model homes within a subdivision for the purpose of advertising the sale of houses within the subdivision. Insofar as this subsection is concerned, a subdivision constitutes a division of a parcel of land into three or more lots and the erection of houses thereon for the purpose of sale.

(h) The use of not more than one-quarter of one floor of a private dwelling, personally occupied by the candidate, which dwelling is at least 20 feet from the nearest adjacent private dwelling, as his campaign office, if duly certified in an election to fill an office in state or county government during the 90 days next preceding such election, and provided that the district within which such election takes place shall not be larger than the county. Campaign offices permitted under this subsection shall not be operated between the hours of 10:00 p.m. and 7:00 a.m., nor shall more than six campaign workers be present and working regularly at any one time.

(Code 1980, § 22-11; Code 1995, § 24-11; Ord. No. 973, § 1, 4-22-1998; Ord. No. 999, § 1, 4-25-2000)

Sec. 24-12. - Conditional uses permitted by special exception.

(a) Railroad lines, electric transmission lines and pipelines on a private right-of-way or easement (other than service lines or electric transmission lines in easements or public roads provided for the purposes by subdivision, or on the premises of individual consumers); provided, that the board first obtains a report from the planning commission as to whether or not the facility would be consistent with a comprehensive plan of development for the county, or would interfere with any of the proposals in such plan.

(b) Private noncommercial recreation areas and centers such as country clubs, swimming pools, golf courses, boat clubs and riding clubs, but not including any shooting ranges or traps; provided, each establishment shall have an area of two acres or more.

(c) Public utility structures and facilities such as water or sewage pumping stations, well houses, water storage tanks, telephone exchange buildings, static transformers, repeater or switching stations, communication towers and antennas up to 50 feet in height, and transportation passenger stations, but not including any facilities for construction, repair, service or storage of utility equipment.

(d) Homing pigeon lofts, when located in the rear yard and subject to the same setback requirement as accessory uses. Lofts shall not exceed 160 square feet in area, ten feet in height or be less than two feet from the ground level.

(e) Noncommercial kennels for the keeping of animals by the occupant of the property.

(f) Television receiving antennas and support structures for home use and amateur radio broadcasting and

receiving antennas and support structures exceeding 50 feet in height.

(g) Small or large family day homes with any employee(s) from outside the home or large family day homes operated outside the hours of 6:00 a.m. to 6:00 p.m.

(h) Subject to sec. 24-13.01(b):

(1) Short-term rental, hosted stays, meeting any of the following conditions:

(a) located in a guesthouse;

(b) located on a lot with less than 80 feet of frontage on a public street;

(c) occupied by more than six short-term renters at any time; or

(d) exceeding a total of 60 days in any calendar year.

(2) Short-term rental, unhosted stays.

(Code 1980, § 22-12; Code 1995, § 24-12; Ord. No. 1016, § 1, 8-14-2001)

Sec. 24-12.1. - Provisional uses permitted.

The following may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1:

(a) A stage tower or scenery loft taller than the maximum height permitted in section 24-94.

(b) A bed and breakfast home. Bed and breakfast homes shall comply with the following criteria and any other conditions imposed in accordance with section 24-122.1 of this Code:

(1) Each application for abed and breakfast home shall include an operations and site plan showing the location and design of structures and features of the site, number of employees and other details, and how the bed and breakfast home will comply with the requirements of this section.

(2) The bed and breakfast home shall have no more than three guestrooms, unless the board finds that the additional rooms will not detrimentally impact the surrounding neighborhood.

(3) The owner shall reside in and operate the bed and breakfast home.

(4) The exterior of the building shall not be altered from its single-family character.

(5) The home shall have at least 2,500 square feet of livable floor area for the first three guestrooms and 300 square feet of additional livable floor area for each guestroom thereafter.

(6) Parking areas shall be located and designed to complement the residential character of the lot and to minimize potential impacts on adjacent properties. Notwithstanding the regulations set out in section 24-98, the board may permit parking areas to remain unpaved.

(7) There must be at least one bathroom available for the exclusive use of paying guests.

(c) *Gated subdivision.* When the roads in a subdivision have not been accepted into the county road system for maintenance; serve only, or are primarily for, the general welfare of the residents of the subdivision; and do not serve as a connector to other public roads, the owners of two-thirds of the subdivision lots, including the subdivider if he has an interest in the subdivision, may file a petition with the board of supervisors requesting that they be allowed to restrict ingress and egress to the subdivision. The board of supervisors may permit the restriction subject to the following conditions:

(1) The restriction may be abolished at any time in the sole discretion of the board of supervisors;

(2) The restriction shall not be asserted in opposition to the public ownership of streets dedicated to the public;

(3) The streets shall not be blocked to ingress and egress of government or public service company vehicles;

(4) Necessary maintenance of the streets will be paid for by the owners of the individual lots;

(5) Such other conditions which are imposed by the board of supervisors, including written

guidelines and standards established by the director of planning and the director of public works.

(d) For any lot or parcel created after January 1, 1960, the maximum building height shall be 40 feet. For any lot or parcel created prior to January 1, 1960, the maximum building height shall be 35 feet by right and 40 feet if approved by provisional use permit.

(Code 1980, § 22-12.1; Code 1995, § 24-12.1; Ord. No. 957, § 3, 8-13-1997; Ord. No. 1000, § 1, 4-25-2000; Ord. No. 1061, § 1, 11-25-2003; Ord. No. 1063, § 1, 3-9-2004; Ord. No. 1111, § 1, 8-14-2007)

Sec. 24-13. - Accessory uses permitted.

Accessory uses customarily incidental to a permitted principal or conditional use on the same lot therewith, including among others:

(a) Private parking areas, garages and stables accessory to a dwelling. Parking may be provided for noncommercial vehicles, trucks not exceeding 10,000 pounds gross weight, and one commercial vehicle not exceeding 10,000 pounds gross weight. Parking of any truck or commercial vehicle exceeding 10,000 pounds gross weight, or any commercial trailer or wrecker, is permitted only while loading, unloading, or working at or near the location where it is parked. Parking may be provided for one unoccupied manufactured home in an enclosed garage provided the manufactured home is owned by the occupant of the property. Stables shall comply with the distance requirements of section 24-10(b).

(b) Living quarters of persons employed on the premises, without restriction as to minimum floor area.

(c) Guesthouses for nonpaying guests, without restriction as to minimum floor area.

(d) Customary incidental home occupations, such as handicraft, dressmaking, millinery, laundering, preserving or home cooking, including occasional personal service of beauty culture offered in a limited way by appointment and not to the general public, and the home office of a member of a recognized or licensed profession, such as attorney-at-law, physician, dentist, musician or artist; provided that such occupations shall be conducted solely by resident occupants in their place of abode and provided that not more than the equivalent area of one quarter of one floor shall be used for such purpose; provided further, that such occupation shall not require external or internal alterations, or the use of machinery or equipment not customary for purely domestic household purposes and provided no stock-in-trade shall be kept or product sold, except such as are made on the premises; provided further, that there shall be no group instruction, assembly or activity or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling. Nothing herein contained shall be construed to prohibit the installation and use of two hair drying units. However, a home occupation shall not be interpreted to include beauty parlors, barber shops, convalescent or nursing homes, or massage or similar establishments offering services to the general public.

(e) The keeping of not more than two roomers or boarders in an otherwise private dwelling.

(f) Signs as regulated in section 24-104.1.

(g) Temporary roadside stands for the display and sale of farm products, on the premises where such are produced; provided such stands are of open-front type, are used in season only and are removed promptly at the end of each season. Such stands shall be at least 15 feet from the road right-of-way, and a suitable place shall be provided for vehicles to stop safely off the pavement.

(h) Small family day homes without any employee(s) from outside the home. Large family day homes operated between the hours of 6:00 a.m. to 6:00 p.m. without any employee(s) from outside the home.

(i) Memorial gardens, for the sprinkling of cremated human remains on the ground or the burial of

cremated human remains in biodegradable containers, when located on the property of a place of worship meeting the requirements of section 24-94.

(j) Television and radio antennas and support structures, satellite dishes and amateur radio broadcasting and receiving antennas and support structures including guy anchors when used, subject to the requirements of section 24-95(i) for accessory buildings and uses, except that the height of any radio, television or amateur radio support structures and antennas shall not exceed 50 feet unless a greater height is authorized as a special exception by the board of zoning appeals.

(k) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(l) One temporary family health care structure on property owned or occupied by a caregiver as his residence in accordance with section 24-100.1.

(m) Short-term rental, hosted stays, subject to sec. 24-13.01(b), meeting all of the following requirements:

(1) located within the principal dwelling;
(2) located on a lot with 80 feet or more of frontage on a public street;
(3) occupied by no more than six short-term renters at any time; and
(4) limited to a total of no more than 60 days in any calendar year.

State law reference: Code of Virginia § 15.2-2292.1

(Code 1980, § 22-13; Code 1995, § 24-13)

<u>Sec. 24-13.01.</u> - Development standards and conditions for permitted uses.

(a) Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(b) Short-term rental. The following requirements apply to short-term rentals:

(1) *Principal residence and ownership required.* Only a dwelling that is occupied by the property owner for at least 185 days per year may be offered for short-term rental. Prior to offering any property as a short-term rental, the property owner must certify, on a form provided by the director of planning, that the property owner occupies the property for at least 185 days per year. For purposes of this section, ownership includes, among other forms, a dwelling (i) held by a person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which a person or a person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or

enjoys a continuing right of use or support. However, ownership does not include a dwelling held under a leasehold or term of years.

(2) *Resolution of issues and complaints.* During short-term rental, hosted stays, the property owner must respond to and resolve issues and complaints that arise in connection with the stay at any time. For short-term rental, unhosted stays, prior to offering the property as a short-term rental, the property owner must provide, on a form provided by the director of planning, the name and contact information of an adult who will be available at all times when the property is occupied as a short-term rental. The designated adult must respond in person at the property within 30 minutes whenever necessary to resolve issues and complaints arising in connection with the short-term rental.

(3) *Limit on number of occupants.* The occupancy of any property during a short-term rental may not exceed a number equal to twice the number of bedrooms in the dwelling.

(4) *Limitation on additional uses.* No property owner may offer as a short-term rental any property that is also used for a family day home, group home, assisted living facility, massage therapy, taxi or other carrier service, or noncommercial kennel. No property owner may offer, allow, or provide a short-term rental for any other commercial use not customarily incidental to a one-family dwelling, including, without limitation, commercial use for parties, banquets, weddings, receptions, meetings, filming, or advertising activities.

(5) *Prohibition against double-booking.* No property owner may rent any property pursuant to two or more booking transactions for the same dates, such that no two separately-booked groups of short-term renters may occupy the same property at the same time. For the purpose of this prohibition, a "booking transaction" is any transaction in which there is a charge to one or more short-term renters by a property owner in exchange for the occupancy of the property.

(6) *Prohibition against renting to minors.* No property owner may provide a short-term rental unless at least one of the short-term renters is 18 years of age or older.

(7) *Hours of check-in and check-out.* The property owner may not offer check-in or check-out services to short-term renters between the hours of 11:00 p.m. and 7:00 a.m.

(8) *Provision of smoke detectors, etc.* The property owner of any property offered for short-term rental must provide and maintain in good working order every smoke detector, carbon monoxide detector, and fire extinguisher required to be in the short-term rental by law. No property owner may obstruct any emergency egress required by law.

(9) *Posting of information required.* The property owner must conspicuously post the following information in any property offered for short-term rental:

a. The property address.

b. The name and contact information of the property owner and, if applicable, the adult designated pursuant to subparagraph (2) of this subsection.

c. Detailed instructions for emergency shut-off of gas, electricity, and water, including the locations of gas and water valves and circuit breakers.

d. Recycling and trash collection schedules.

e. The Henrico County noise ordinance.

(10) *Limitation on pets.* No property owner may allow more than three pets to be kept on the property of a short-term rental at any time.

(11) *Record of rentals.* The property owner must keep an accurate and complete record of each short-term rental for two years from the ending date of the rental and provide those records to the director of planning for inspection upon his request. The record of each rental must show, at a minimum, the beginning and ending dates of each rental and the number of persons occupying the dwelling.

ARTICLE VA. - R-5A GENERAL RESIDENCE DISTRICT; USES

Sec. 24-13.1. - Principal uses permitted.

(a) Any use permitted and as regulated in the R-4A one-family residence district except for one-family dwellings.

(b) Assisted living facilities and group homes, when located in any dwelling or housing type as permitted by this section and as regulated by this chapter.

(c) Two-family dwellings.

(d) Detached and semidetached dwellings for sale with zero lot lines in an approved subdivision of five or more lots in accordance with section 24-106 and the following provisions:

(1) *Lot area.* Minimum lot area for each structure shall be 5,625 square feet, with a minimum frontage of 25 feet and a minimum lot width of 50 feet at the minimum front yard setback line. Lots may front on a dedicated street or public access easements containing roadways, walkways or both.

(2) *Yards.* The minimum front yard for each structure shall not be less than 15 feet from project drives and walkways or 25 feet from secondary residential streets or 35 feet from any other streets. The minimum rear yard for each structure shall not be less than 35 feet. The minimum side yard shall not be less than 12 feet for a semidetached dwelling and not less than 20 feet for a detached dwelling on a zero lot line. In no case shall the distance between two principal structures be less than 20 feet. The side yard for a zero lot line corner lot shall be on the street side. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 35 feet; if the front, side, or rear yard is adjacent to a minor collector or major collector identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 25 feet. In cases where the side yard is adjacent to any public road there shall be a minimum 25 foot setback from the right-of-way of the public road. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way. The increased setback may be reduced only if approved by the planning commission as an exception under section 19-4(a).

(3) *Minimum unit size.* Each dwelling unit shall contain at least 900 square feet of finished floor area.

(4) *Overall project density.* Overall density shall not exceed six dwelling units per acre exclusive of public rights-of-way.

(5) *Parking.* A minimum of two parking spaces per dwelling unit shall be provided on individual lots

and/or in common parking areas.

(Code 1980, § 22-13.1; Code 1995, § 24-13.1; Ord. No. 1026, § 1, 3-26-2002)

Sec. 24-13.2. - Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the R-4A district, except short-term rentals, and section 24-95.

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

(c) Signs as regulated in section 24-104.1.

(d) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-13.2; Code 1995, § 24-13.2)

Sec. 24-13.3. - Conditional uses permitted by special exception.

Any conditional uses as permitted and as regulated in the R-4A district, except short-term rentals.

(Code 1980, § 22-13.3; Code 1995, § 24-13.3)

Sec. 24-13.4. - Provisional uses permitted.

(a) Gated subdivision. When the roads in a subdivision have not been accepted into the county road system for maintenance; serve only, or are primarily for, the general welfare of the residents of the subdivision; and do not serve as a connector to other public roads, the owners of two-thirds of the subdivision lots, including the subdivider if he has an interest in the subdivision, may file a petition with the board of supervisors requesting that they be allowed to restrict ingress and egress to the subdivision. The board of supervisors may permit the restriction subject to the following conditions:

(1) The restriction may be abolished at any time in the sole discretion of the board of supervisors;

(2) The restriction shall not be asserted in opposition to the public ownership of streets dedicated to the public;

(3) The streets shall not be blocked to ingress and egress of government or public service company vehicles;

(4) Necessary maintenance of the streets will be paid for by the owners of the individual lots;

(5) Such other conditions which are imposed by the board of supervisors, including written guidelines and standards established by the director of planning and the director of public works.

(b) Building heights up to 40 feet.

(c) One-family dwellings in accordance with section 24-106 and subject to the following conditions:

(1) *Minimum area.* The project must contain at least 20 acres.

(2) *Lot area*. Minimum lot area for each structure shall be 5,625 square feet, with a minimum frontage of 25 feet and a minimum lot width of 50 feet at the minimum front yard setback line. A minimum of 50 percent of the lots subject to the provisional use permit shall have a minimum lot width of 60 feet. Lots may front on a dedicated street or public access easements containing roadways, walkways or both.

(3) *Yards*. The minimum front yard for each structure shall not be less than 15 feet from project drives and walkways or 25 feet from secondary residential streets or 35 feet from any other streets. The minimum rear yard for each structure shall not be less than 35 feet. The minimum side yard shall not be less than 8 feet, and the minimum sum of the side yards shall not be less than 20 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 35 feet; if the front, side, or rear yard is adjacent to a minor collector or major collector identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 25 feet. In cases where the side yard is adjacent to any public road there shall be a minimum 25 foot setback from the right-of-way of the public road. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way. The increased setback may be reduced only if approved by the planning commission as an exception under section 19-4(a).

(4) *Minimum unit size*. Each dwelling unit shall contain at least 900 square feet of finished floor area.

(5) *Overall project density*. Overall density shall not exceed six dwelling units per acre exclusive of public rights-of-way.

(6) *Parking*. A minimum of two parking spaces per dwelling unit shall be provided on individual lots and/or in common parking areas.

(Code 1995, § 24-13.4; Ord. No. 1063, § 3, 3-9-2004; Ord. No. 1111, § 2, 8-14-2007)

Sec. 24-13.5. - Development standards and conditions for permitted uses.

Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE VI. - RMP RESIDENTIAL MANUFACTURED HOME PARK; USES

Sec. 24-14. - Purpose and intent.

To permit, in accordance with comprehensive plans, the development of a single-family residential manufactured home park located in an appropriate residential environment and containing not less than eight contiguous acres under one ownership or control in those areas of the county that are provided with public sanitary sewers, sewage disposal facilities and public water supply. The park shall be located on and have direct access to a major collector or road of a higher functional classification. The number of lots that shall be completed before the first occupancy shall be 50.

(Code 1980, § 22-14; Code 1995, § 24-14)

Sec. 24-15. - Principal uses permitted.

(a) Manufactured homes which meet the requirements set forth in the Virginia Manufactured Housing Construction and Safety Standards Law and are for single-family residential use when the length of occupancy exceeds 30 days.

(b) Swimming pools, recreational and athletic facilities, community buildings and other similar and related improvements for the common use of park occupants and their guests.

(c) A coin-operated laundry and/or drying operation may be permitted for the sole use of park occupants.

(d) Places of worship.

(Code 1980, § 22-15; Code 1995, § 24-15)

Sec. 24-16. - Accessory uses permitted.

(a) Accessory uses not otherwise prohibited and customarily accessory and incidental to any permitted use.

(b) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-16; Code 1995, § 24-16)

Sec. 24-17. - Area and density.

The overall density of any manufactured home park shall not exceed eight units per gross acre and the net density of any particular acre within such park shall not exceed 12 units per acre. For density purposes, all areas subject to flooding and other adverse topographic features making them unsuitable for residential use shall be excluded from computations. The minimum lot area for individual manufactured homes shall be 3,600 square feet and no manufactured home shall occupy more than 25 percent of the area of the lot on which it is situated. The minimum width for each lot shall be 2½ times the width of the manufactured home, or 25 feet, whichever is greater. Minimum lot widths shall be measured at right angles to the long axis of the lot at the setback line or rear of the parking stand, whichever is less.

(Code 1980, § 22-17; Code 1995, § 24-17)

Sec. 24-18. - Yard and setback requirements.

All manufactured homes shall be located at least 15 feet from any private road or street measured from the closest exterior wall.

(Code 1980, § 22-18; Code 1995, § 24-18)

Sec. 24-19. - Minimum distance between manufactured homes and other buildings.

No manufactured home shall be placed within 20 feet of another manufactured home or service building, except that with respect to manufactured homes parked end to end, the distance between such manufactured homes may be reduced to 15 feet.

(Code 1980, § 22-19; Code 1995, § 24-19)

Sec. 24-20. - Patios.

Each manufactured home lot shall provide an appropriate outdoor living space to supplement the limited interior space of a manufactured home.

(1) *Size.* The minimum size of each manufactured home patio shall be 250 square feet.

(2) *Location.* Every patio shall be convenient to the entrance of the manufactured home, appropriately related to open areas of the lot and other facilities, adapted to terrain and natural features and related to anticipated manufactured home models.

(Code 1980, § 22-20; Code 1995, § 24-20)

Sec. 24-21. - Recreational areas.

(a) There shall be provided areas and facilities for recreational purposes appropriate to the needs of the occupants.

(b) Each manufactured home park must provide not less than one multiple purpose developed recreational area of 10,000 square feet.

(c) Any park containing more than 100 units shall provide an additional minimum of 100 square feet of such recreation area per manufactured home lot in excess of 100 lots. When additional recreational area is required, it shall be provided in sites contiguous to the minimum area required above.

(Code 1980, § 22-21; Code 1995, § 24-21)

Sec. 24-22. - Private streets.

(a) The minimum lane or private street on which an individual manufactured home lot fronts shall be 26 feet in width. In cases when private structures dead end, there shall be constructed a cul-de-sac with a minimum turning radius of 35 feet.

(b) Collector streets with no parking require 26 feet minimum.

(c) Common or cul-de-sac street 26 feet width, 35 feet turning radius.

(Code 1980, § 22-22; Code 1995, § 24-22)

Sec. 24-23. - Vehicle parking.

Off-street parking shall be provided for the use of occupants at the minimum ratio of two car spaces for each manufactured home. Each off-street parking area shall have unobstructed access to a public street or common street and no parking space shall be more than 150 feet from the manufactured home lot which it serves. On-street parking is prohibited.

(Code 1980, § 22-23; Code 1995, § 24-23)

Sec. 24-24. - Transitional buffering and landscaping.

A transitional buffer of 50 feet shall be provided along residential manufactured home park boundary lines and the residential manufactured home park shall be landscaped in accordance with section 24-106.2.

(Code 1980, § 22-24; Code 1995, § 24-24)

Sec. 24-25. - Utility plan.

All utilities shall be underground except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.

(Code 1980, § 22-25; Code 1995, § 24-25)

Sec. 24-26. - Ground markers for lots.

Lot corners shall be clearly defined by permanent ground markers corresponding to the approved plot plan.

(Code 1980, § 22-26; Code 1995, § 24-26)

Sec. 24-27. - Plan of development.

In acting upon a site plan for a manufactured home park, the planning commission shall give approval, based upon the above requirements and the following:

(1) Preservation of topographic features, recreational facilities, with the objective of achieving maximum compatibility between the proposed manufactured home park and the surrounding areas.

(2) The manufactured home park shall conform to the requirements for a plan of development as set forth in section 24-106.

(Code 1980, § 22-27; Code 1995, § 24-27)

Sec. 24-27.1. - Refuse containers.

Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE VII. - R-5 GENERAL RESIDENCE DISTRICT; USES

Sec. 24-28. - Principal uses permitted.

(a) Any principal use permitted and as regulated in the R-4A district except one-family dwellings.

(b) Multifamily development in accordance with section 24-30.2. Compliance with multifamily guidelines maintained by the director of planning is strongly encouraged.

(c) Boardinghouses.

(d) Child care centers in accordance with section 24-106.

(e) Townhouses for sale as permitted and regulated in article X, except as stipulated below:

(1) *Area and density.* Area and density for townhouses for sale shall not exceed 12 units per acre.

(2) *Frontage.* A minimum lot frontage, measured at the setback line, of 18 feet shall be provided.

(3) *Architectural treatment.* There shall be at least three but no more than 12 townhouse units continuously connected. A minimum of ten feet of common area shall separate any two groups or rows of lots.

(4) *Development standards.* The provisions of section 24-30.2 shall apply to all townhouses for sale.

Compliance with multifamily guidelines maintained by the director of planning is strongly encouraged.

(f) Assisted living facilities and group homes, when located in any dwelling or housing type as permitted by this section and as regulated by this chapter.

(Code 1980, § 22-28; Code 1995, § 24-27; Ord. No. 1008, § 1, 11-28-2000)

Sec. 24-29. - Conditional uses permitted by special exception.

(a) Any conditional uses permitted and as regulated in the R-5A district.

(b) Group housing projects containing various combinations of dwellings and associated uses, in a single ownership, and having a site plan in which the normal lot, yard and other regulations prescribed herein cannot be applied, subject to the provisions of section 24-100.

(c) Nursing home, convalescent home or home for the aged; provided, that any such use shall have a minimum lot area of five acres.

(Code 1980, § 22-29; Code 1995, § 24-27)

Sec. 24-29.1. - Provisional uses permitted.

(a) Any principal use permitted in the B-1 district may be located in the first or second story of a structure exceeding two stories in height, subject to the following requirements:

(1) *Floor area.* B-1 uses may not occupy more than 35 percent of the floor area of the structure.

(2) *Parking required.* The required parking for B-1 uses may be reduced by up to 50 percent if the parking is shared between residential and B-1 uses.

(3) *Signage.* Each tenant may have one attached sign if the tenant's space has direct access from the exterior of the building. No sign shall exceed 15 square feet of sign area per tenant.

(4) The requirements of section 24-122.1 of this Code.

(b) Buildings or structures up to 200 feet in height may be permitted by provisional use permit.

(Code 1995, § 24-29.1; Ord. No. 1028, § 1, 6-11-2002; Ord. No. 1111, § 3, 8-14-2007)

Sec. 24-30. - Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the R-5A district.

(b) Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted uses.

(c) Signs as regulated in section 24-104.1.

(d) Retail and/or service uses in a nursing home, convalescent home or home for the elderly building; provided, that there shall be no entrances direct from the street or parking lot to those businesses, no signs or other evidence indicating the existence of such businesses visible from the outside of the building; and provided, that such uses are customarily incidental and secondary to the primary use.

(e) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-30; Code 1995, § 24-29)

Sec. 24-30.1. - Exceptions to article VII.

For any property zoned R-5 general residence district prior to November 10, 1993, having a valid subdivision plat approved by the agent in accordance with chapter 19 of the County Code as of November 10, 1993, the following principal uses if approved on the subdivision plat are permitted:

(a) One-family dwellings as follows:

Maximum Height		Minimum Lot Area		Minimum		Minimum Side Yard		Minimum	
Stories	Feet	Total (sq. ft.)	Per Family (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Least Yard (24-94(c)) (ft.)	Sum of Yards (ft.)	Rear Yard Depth (ft.)	Finished Floor Area (sq. ft.)
	35	7,500	7,500	60	35	8	20	35	950 (24-94(u)(o))

(b) Two-family dwellings as follows:

Maximum Height		Minimum Lot Area		Minimum		Minimum Side Yard		Minimum	
Stories	Feet	Total (sq. ft.)	Per Family (sq. ft.)	Lot Width (ft.)	Front Yard Depth (ft.)	Least Yard (24-94(c)) (ft.)	Sum of Yards (ft.)	Rear Yard Depth (ft.)	Finished Floor Area (sq. ft.)
1 or 1½	25	11,250	5,625	80	35	12	24	35	700(24-94(m))
2 or 2½	35	11,250	5,625	80	35	14	28	35	700(24-94(m))

(c) Detached and semidetached dwellings for sale with zero lot lines in an approved subdivision of five or more lots in accordance with section 24-106 and the following:

(1) *Lot area.* Minimum lot area for each structure shall be 5,625 square feet, with a minimum frontage of 25 feet and a minimum lot width of 50 feet at the minimum front yard setback line. Lots may front on a dedicated street or public access easements containing roadways, walkways or both.

(2) *Yards.* The minimum front yard for each structure shall not be less than 15 feet from project drives and walkways, or 25 feet from secondary residential streets or 35 feet from any other streets. The minimum rear yard for each structure shall not be less than 35 feet. The minimum side yard shall not be less than 12 feet for a semidetached dwelling and not less than 20 feet for a detached dwelling on a zero lot line. In no case shall the distance between two principal structures be less than 20 feet. The side yard for a zero lot line corner lot shall be on the street side.

(3) *Height.* Dwellings shall have a maximum building height of 35 feet. Building height up to 40

feet may be approved by provisional use permit.

(4) *Minimum unit size.* Each dwelling unit shall contain at least 900 square feet of finished floor area.

(5) *Overall project density.* Overall density shall not exceed six dwelling units per acre exclusive of public rights-of-way.

(6) *Parking.* A minimum of two parking spaces per dwelling unit shall be provided on individual lots and/or in common parking areas.

(d) Townhouses for sale as permitted and regulated in article X, with architectural treatment permitted as follows:

(1) No more than 12 townhouse units shall be continuously connected. A minimum of ten feet of common area shall separate any two groups or rows of lots.

(Code 1980, § 22-30.1; Code 1995, § 24-30.1; Ord. No. 1111, § 4, 8-14-2007)

Sec. 24-30.2. - Development standards.

(a) *Roads.* Private roads and driveways and parking areas for multifamily developments shall be designed and constructed in accordance with the pavement design standards and specifications of the department of public works. The final pavement design shall be based on California Bearing Ratio (CBR) Tests of the subgrade material. However, in no case shall the pavement design be less than six-inch aggregate base material and two-inch SM-2A asphalt. The routing of heavy vehicles (i.e., trucks) shall be identified on the plan submitted for review. The pavement design on the proposed truck route shall be designed to accommodate the number and type of trucks anticipated to be using the facility. All materials to be used in the construction methods and tolerances shall be in accordance with the Virginia Department of Transportation standards and specifications unless the plan specifies stricter requirements. A certified professional engineer, licensed in the State of Virginia, shall be employed by the developer to monitor and supervise the materials used; the adequacy of the subgrade; the installation of drainage structures, curb and gutter and all concrete items; and all road, driveway and parking area construction activities, including material compaction, grading tolerances and compliance with the plans and specifications. Prior to issuance of the last certificate of occupancy, the certified professional engineer, licensed in the State of Virginia, shall provide the county with certification that each phase of construction met density requirements; that all material depths were verified for compliance; and that the road and parking areas have been constructed in strict accordance with the plans and specifications. For owner-occupied developments, the developer shall post a defect bond for the construction of roads, driveways, and parking areas. The defect bond shall remain in effect for a period of three years from the date of the issuance of the final occupancy permit.

(b) *Refuse containers.* Containers for refuse and recyclable materials shall be completely screened from view and located in an enclosed area conveniently accessible to all residents. Enclosures shall be constructed of finished masonry materials with the exception of gates and doors. Gates and doors shall be opaque, substantial, and oriented to minimize views of the enclosures from public rights-of-way. Concrete pavement shall be used where the refuse container pad and apron are located. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(c) *HVAC screening.* All ground level and rooftop HVAC and mechanical equipment shall be screened from view. Screening shall consist of landscaping or materials used in the principal building's exterior. If HVAC wall units are used they must be architecturally compatible with the building.

(d) *Recreational vehicle parking.* In addition to the required parking, an additional five percent of the minimum required parking spaces shall be provided for recreational vehicles and shall be screened unless these requirements are waived or reduced by the director of planning or the planning commission because full compliance is unnecessary due to restrictive covenants, the type of development, expected mix of residents, or other factors. This parking area shall be located in a separate, designated area and shall not be

located in front of units.

(e) *Applicability.* All multifamily development on property which did not have an approved plan of development, proffers approved as part of a rezoning case, an approved special exception, or previous multifamily development on the property as of November 28, 2000, shall comply with the requirements of this section.

(Code 1995, § 24-30.2; Ord. No. 1008, § 2, 11-28-2000)

ARTICLE VIII. - URBAN MIXED USE DISTRICT; USES

***Editor's note—**

Ord. No. 1037, adopted Aug. 13, 2002, amended and reordained Art. VIII in its entirety to read as herein set out. Former Art. VIII was titled "RPN Planned Neighborhood District; Uses" and derived from §§ 22-31—22-34 of the 1980 Code.

Sec. 24-31. - Purpose of district.

The purpose of the Urban Mixed Use District (the "UMU district") is to allow development of mixed-use, pedestrian-oriented, activity centers containing a variety of uses, including business, retail, residential, cultural, educational, and other public and private uses. The UMU district is intended to encourage redevelopment and reinvestment in commercial and industrial areas, and provide for design flexibility and alternative development patterns on undeveloped property. The UMU district shall incorporate publicly accessible community open space areas and encourage high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The UMU district also permits a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and is intended to discourage piecemeal development. The UMU district will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility and innovative and creative design.

The UMU district is not intended for general application throughout the county. The UMU district should be limited to areas with adequate infrastructure and served by necessary transportation facilities (i.e., available public transit, close proximity to an interstate interchange, rail center, etc.).

(Code 1995, § 24-31; Ord. No. 1037, § 2, 8-13-2002)

Sec. 24-31.1. Procedures to establish a UMU district.

(a) *Preapplication conference.* The applicant shall schedule a preapplication conference with the director of planning or his designee at least 60 days prior to the scheduled filing deadline for rezoning applications.

(b) *Submission of required documents.* The applicant shall submit the documents required in section 24-31.2 to the director of planning.

(c) *Report of the director of planning.* The director of planning or his designee may send copies of the application documents to other local or state agencies for comments. The application shall be placed on the first available planning commission agenda after the director of planning prepares a report regarding the application.

(d) *Consideration by the planning commission and board of supervisors.* The public hearings and consideration by the planning commission and board of supervisors shall be as set forth in sections 24-120, 24-121, and 24-122.1. Upon approval of the applications by the board of supervisors, the UMU district is established. The master plan shall guide the general location of all features shown therein, including land use, densities, roads, public uses, and other features. Plans of development and subdivision plats required in section 24-106 and chapter 19 of the Code shall be in general conformance with the approved master plan and schematic plans as determined by the director of planning and shall supersede the master plan and schematic plans. The director of planning shall not approve any building permit application until the applicant has guaranteed the completion of public improvements for the portion of the development under consideration, including but not limited to, public roads, public water, and public sewer facilities, by providing a letter of credit, certified check, cash escrow, cash payment, or surety bond, approved as to form by the county attorney, in accordance with sections 19-75 and 24-106.

(e) *Variations.* Requests for variations in final plans and uses shall be reviewed by the planning commission and forwarded to the board of supervisors for approval.

Sec. 24-31.2. Submission requirements.

The applicant shall submit any information required by the director of planning necessary to evaluate a rezoning application or plan of development within the UMU district. The director of planning shall determine the number of copies of the master plan and development impact statement to be submitted.

(a) *Master plan.* The application shall include a master plan prepared by a licensed surveyor, engineer, architect, landscape architect, or certified planner. The term master plan shall be defined as the combination of documents detailing the proposed development, including the schematic master plan, architectural pattern book and design guidelines. The master plan shall include:

(1) An inset map at a scale of not less than one inch to one mile, showing the property in relation to surrounding roads, subdivisions, or major landmarks.

(2) A north arrow.

(3) The location of existing property lines, watercourses or lakes, wooded areas, and existing roads within or adjoining the property.

(4) Approximate boundaries of each phase or land bay, land uses, densities, approximate location of proposed streets and rights-of-way with an indication of whether public or private; approximate location of recreation areas, common areas, and open spaces; and areas proposed for dedication to public use. A typical street section for each proposed street type shall be provided.

(5) For each phase or land bay of different uses, a table shall show the following:

a. The proposed uses;

b. Acreage of common area and open space;

c. Maximum number of dwelling units and density for residential areas, and square feet of floor space for office/commercial or office/service areas;

d. Site/building coverage ratios;

e. Parking, required and provided;

f. Other information required by the director of planning.

(6) Schematic plans which shall indicate the phasing of development and master water, sewer and drainage plans.

(7) The minimum lot width and setbacks for all structures in the development.

(8) A description of the guarantees and assurances that will be provided for the maintenance of common areas, open space, recreation areas, sidewalks, parking, private streets, and other privately-owned but common facilities serving the project.

(9) Comprehensive sign program as described by section 24-34(p).

The master plan and associated documents shall become the governing documents for development of the UMU district upon approval by the board of supervisors.

(b) Development impact statement. Unless the proposed project is located in the Innsbrook Redevelopment overlay district as described in section 24-92.4, the application shall include a development impact statement. For projects within the Innsbrook Redevelopment overlay district, a development impact statement may be required if the director of planning determines the development warrants additional study because of the proposed residential, types of commercial uses, building height, or similar factors. Such determination shall be made at the time of the required preapplication conference. The development impact statement shall describe the probable effects of the proposed project upon the community and a detailed and thorough analysis of the impact of the project on the county. At a minimum, it shall address the following:

(1) Adequacy of existing public facilities and services to serve the project. The analysis shall address sewer, water, schools, fire stations, and other public facilities and services.

(2) Additional on-site and off-site public facilities or services which would be required as a result of the project.

(3) A traffic impact study prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the county traffic engineer.

(4) Fiscal impact of the proposed project, such as estimated tax revenues to be generated versus the cost of public improvements to be financed by the county or otherwise. Such study shall be prepared by an individual or firm qualified to conduct fiscal impact analysis in a manner and form acceptable to the director of finance, director of public works, director of planning, or their designees.

(5) Impact of construction and permanent changes in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, and noise, air or water pollution.

(6) Employment opportunities to be generated by the project.

(7) Impact of the project on cultural and historic sites.

(c) *Conversion Schedule*. The UMU zoning application may include a conversion schedule that identifies alternative uses which the applicant may substitute for the uses identified in the master plan without the need to obtain the approval of each substitution. The conversion schedule shall be a part of the master plan. If the board of supervisors approves the conversion schedule in conjunction with the application, the applicant or its successor may convert from an approved land use to an alternative land use within the development areas and between development areas, provided that:

(1) The conversion between uses is consistent with the conversion schedule approved with the master plan.

(2) The UMU district's maximum permitted density is not exceeded.

(3) The county traffic engineer determines the alternative use is not anticipated to significantly increase or adversely alter off-site traffic impacts.

(4) The director of planning determines the general character and mix of uses for the project will not be adversely affected.

(d) Rezoning application and fee.

Sec. 24-32. - Principal uses permitted.

A building or land shall be used only for the purposes stated in this section. Unless otherwise provided by this section, no principal use other than a place of worship, office building, hotel, or motel shall exceed 10,000 square feet in floor area.

(a) Animal hospital or veterinary clinics for small animals, dogs, cats, birds and the like. All treatment rooms, cages, pens or kennels shall be within a completely enclosed, soundproof building, and such hospital or clinic shall be operated so as not to produce any objectionable noise, odors or vermin outside its walls. Site plans shall be reviewed and approved by the planning commission as provided by section 24-106.

(b) Antique shops for the sale of bona fide antiques, except that no auctions are permitted.

(c) Automotive filling and service stations and automotive washing facilities provided such uses shall be located within and have access only through a parking garage or parking deck and are entirely screened from any sidewalks and adjacent streets.

(d) Barbershops and beauty parlors.

(e) Banks, savings and loans, small loan offices and similar financial institutions.

(f) Bicycle sales and repair shops.

(g) Catering establishments and meal delivery services.

(h) Child care centers, babysitting services and adult day care centers.

(i) Places of worship, schools (including child care, charitable, cultural, and other community service activities on school property), colleges and universities (including educational, scientific and other related research facilities). County-owned or county-leased buildings and properties of a conservation, cultural, administrative or public service type and publicly owned or publicly leased buildings of a recreational type, with approval of a plan of development, in accordance with section 24-106, by the board of supervisors.

(j) Offices, clinics and laboratories for medical, dental, and optical uses, provided that no single office, clinic or laboratory shall contain more than 30,000 square feet of floor area unless otherwise permitted by a provisional use permit.

(k) County-owned facilities, public water or sewage pumping stations, water storage tanks, and well houses.

(l) Florist and flower shop.

(m) Furniture, television and appliance sales, service and repair, including service and repair of any type of home appliance.

(n) Garage, vehicle parking or storage. Off-site parking facilities for any use within the UMU district may be permitted provided that parking garage structures of more than 10,000 square feet shall provide (1) ground floor retail uses along at least one façade or (2) useable floor space for residential or nonresidential uses along any facade that faces a one-family use or public or private street, not including alleyways.

(o) Grocery or convenience food store, provided that no individual store shall contain more than 30,000 square feet of floor area.

(p) Hotel, motel, and motor lodge.

(q) Laundromat and self-service dry cleaning establishments; retail laundry or cleaning and pressing establishments employing not more than three persons in the actual cleaning process. Establishments shall use nonflammable cleaning solvents, fully enclosed cleaning and solvent reclamation processes, fully enclosed pressing equipment with no outside steam exhaust, and other devices or arrangements necessary to fully protect adjacent properties from noise, odors, and vapors.

(r) Marina. May include, but is not limited to, marine recreation areas involving principally the use of natural water resources, boat harbors and docks, boat sales, repair and rental, boat and fishing clubs, bathing beaches and fishing areas.

(s) Museum and art gallery.

(t) Office and office building, business, professional and administrative.

(u) Packaging store and mailing service.

(v) Parking lot, noncommercial.

(w) Pet shop, dog beauty parlor and obedience school. All work rooms, cages, pens, or kennels shall be maintained within a completely enclosed, soundproof building and such shop, parlor or school shall be operated so as not to produce any objectionable noise, odors, or vermin outside its walls.

(x) Printing, publishing, engraving, blueprinting, photocopying, photographic processing, and similar uses.

(y) Fraternities, lodges, or similar meeting places of nonprofit organizations.

(z) Public utility structure and facility such as water or sewage pumping station, well house, water storage tank, telephone exchange building, static transformer, repeater or switching station, communication tower and antennas up to 50 feet, and transportation passenger station, but not including facilities for construction, repair, service, or storage of utility equipment.

(aa) Railroad, streetcar or similar line which may include, but is not limited to, electric transmission lines and pipelines on a private right-of-way or easement (other than service lines or electric transmission lines in easements or public roads created by subdivision, or on the premises of individuals).

(bb) Recreation facilities, indoor, including fitness centers, theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis courts, model racing tracks, electronic video game rooms, bingo halls and similar activities.

(cc) Recreation facilities, noncommercial, outdoor, including swimming pools, tot lots, and tennis,

racquetball, handball, basketball, or similar courts.

(dd) Residential uses, with a maximum density not to exceed 30 dwelling units per acre in the aggregate unless a higher density is allowed by provisional use permit, as follows:

(1) Multifamily residential, provided that no more than 30 percent of the total dwelling units may be developed as for-lease units unless a higher percentage is allowed by provisional use permit.

(2) Townhouse for sale.

(3) One-family dwellings. In no case shall the number of one-family dwellings exceed 25 percent of the total dwelling units unless approved by provisional use permit.

(4) Live/Work units as defined and stipulated below:

a. *Definition.* Units shall combine a nonresidential activity that is permitted in the UMU district with a living space for the owner's primary household. The living space shall not be rented or leased to persons not conducting the nonresidential activity.

b. *Physical integration.* Living space shall be physically integrated into the unit and shall not be rented, leased, sold or occupied separate from the nonresidential use.

c. *Parking.* Parking shall be provided for the residential use in addition to the parking required for the square footage of the nonresidential use as required in section 24-34.

d. *Access.* The nonresidential portion of the live/work unit shall have direct access to a public or private street.

(5) Nursing home, convalescent home, continuing care retirement community, or home for the aged.

(6) Assisted living facilities and group homes located and operated in any dwelling or housing type as permitted by this section and as regulated by this chapter.

(ee) Restaurant, delicatessen, microbrewery, and ice cream parlor, but not restaurants having drive-through windows.

(ff) Stores or shops for the conduct of retail sales including sale of art and art supplies, auto parts and accessories (but not service or installation), beverages, books, carpets, clothing, coins, computers and software, draperies, drugs, fabrics, furniture and appliances, garden supplies, gifts, glass sales and service excluding auto or truck repairs, handcrafts, hardware or locksmiths, hobby supplies, jewelry, office supplies and stationery, paint, picture framing, wallpaper, shoes and shoe repair, sporting goods, televisions, video recorders, stereos, radios, microwaves, small appliance sales, service, and repair, video stores, and stores and shops similar to the preceding.

(gg) Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians, provided no such studio or shop shall contain more than 5,000 square feet.

(hh) Television receiving antennas and support structures for home use and amateur radio broadcasting and receiving antennas and support structures not exceeding 50 feet in height.

(ii) Temporary outdoor stand or sales area for the retail sale of Christmas trees, wreaths, holly and similar decorative horticultural items as provided by section 24-57.

(jj) Temporary display of a model dwelling unit for the purpose of advertising the sale of such dwelling units.

(kk) Trade or business school for industrial training, trade or business, but not involving internal-combustion engines, heavy-duty trucks, construction machinery, heavy-duty materials handling equipment or similar vehicles and equipment.

(ll) Other retail and service uses which are of the same general character as those listed above as permitted uses. Such additional uses may be permitted by the director of planning in accordance with section 24-109.

(Code 1995, § 24-32; Ord. No. 1037, § 3, 8-13-2002; Ord. No. 1111, § 5, 8-14-2007)

Sec. 24-32.1. - Provisional uses permitted.

The purpose of the following provisional uses within the UMU district is to encourage a mix of uses developed at a greater density than other areas of the UMU district. The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1:

(a) An area designated for the preparation or service of food or beverages or the sale or display of merchandise conducted in an open area or structure by one or more individual vendors operating from stalls, stands, carts, vehicles or other spaces which are rented or otherwise made available to such vendors. Such activities may include a flea market, sale of merchandise as part of a permitted festival or other similar special event, or the outdoor display or sale by a single food or beverage vendor, operated as an incidental part of retail activity regularly conducted from within a permanent building on the premises.

(b) Parking lot, commercial, but not including any automobile, truck, motorcycle, boat, or recreational vehicle sales, rental or storage lot.

(c) Automotive filling station consisting of an attendant sales office and convenience food or grocery store or any permitted use with fuel pumps. There shall be no outdoor speakers, no exterior display of merchandise, and no facilities for automotive service or maintenance. Bulk storage of fuel shall be underground. Lighting fixtures shall not exceed a height of 20 feet. No temporary storage of wrecked or inoperable vehicles or storage or rental of vehicles, trailers, campers, or similar equipment shall be permitted.

(d) Carwash.

(e) Antique auction, indoor.

(f) Auditorium and assembly hall, coliseum, and stadium.

(g) Billiard parlor with hours of service to the general public from 1:00 p.m. on Sunday and 6:00 a.m. on other days until midnight, unless extended hours of operation are specifically authorized by the board of supervisors as a condition of the use permit.

(h) Boat and boat trailer sales, rental, and service associated with a marina.

(i) Greater floor area for any use with floor area limitations in section 24-32.

(j) Drapery making and furniture upholstering shops.

(k) Drive-through service window for uses permitted in section 24-32.

(l) Heliport (landing facilities only, no fueling or service facilities).

(m) Office-warehouse, when all materials are stored within an enclosed building for use by the business occupying the building.

(n) Parking garage with no associated ground floor retail uses along at least one façade or useable floor space for residential or nonresidential uses along any façade that faces a public or private street or one-family residential use.

(o) Radio and television stations and studios, broadcasting or recording studios.

(p) Recreation facilities, commercial, outdoor, including miniature golf courses, golf driving ranges, skating rinks, swimming pools and water slides, skateboard parks and similar uses and activities.

(q) Sign printing and painting shop, excluding fabrication.

(r) Television receiving antennas and support structures for home use and amateur radio broadcasting and receiving antennas and support structures exceeding 50 feet in height.

(s) Buildings and structures exceeding 60 feet in height.

(t) Density of residential development exceeding 30 dwelling units per acre.

(u) One-family dwelling exceeding 25 percent of the total dwelling units on the property.
(v) Open space within a development of less than 20 percent.
(w) Commercial or office square footage of less than 25 percent of the total building square footage of the UMU district.
(x) General hospitals.
(y) Extended hours of operation for any business containing one or two billiard, pool, or bagatelle tables.
(z) Number of for-lease multifamily dwelling units exceeding 30 percent of the total units of the UMU district.
(aa) Parking plan as described in section 24-34(m)(7).
(bb) Other uses which are of the same general character as those listed above.

(Code 1995, § 24-32.1; Ord. No. 1037, § 4, 8-13-2002)

Sec. 24-33. - Accessory uses permitted.

(a) Any accessory use as permitted and as regulated in the B-2 district, except as provided or regulated otherwise herein.
(b) Other accessory uses, not otherwise prohibited, customarily accessory and incidental to any use permitted by right or provisional use permit.
(c) Signs as regulated in section 24-34.
(d) Storage of office supplies and merchandise for retail sale, provided such items are normally carried in stock in connection with a permitted office or business use subject to UMU district regulations.
(e) Vending machines for food, beverages, and similar merchandise. Not more than two such machines may be permitted on the premises outside an enclosed building.
(f) Newspaper boxes, public telephone stations, and similar uses.
(g) Not more than two billiard, pool or bagatelle tables operated incidental to the principal business use shall be permitted in a single business establishment. Any business open to the public when billiards, pool or bagatelle tables are provided shall close between the hours of 12:00 a.m. midnight and 6:00 a.m. unless extended hours of service are permitted pursuant to section 24-32.1(y).

(h) Outdoor dining associated with an approved restaurant which provides the following:
(1) Full volume control for any outdoor speaker systems.
(2) Adequate trash receptacles to control litter associated with the use.
(i) Temporary outdoor display areas associated with an approved retail use. In no case shall the outdoor display area be located within any required buffer, planting area, or area required to meet minimum sidewalk width.
(j) Accessory dwellings located on the same lot as a one-family dwelling or townhouse for sale. For the purpose of this section, an accessory dwelling shall be smaller in size than the primary dwelling unit on a lot, shall have a separate entrance, and shall function independently as a separate dwelling unit. The number of permitted accessory dwellings shall be established during the approval of the UMU district and shall be included in the density calculations for the development.

(Code 1995, § 24-33; Ord. No. 1037, § 5, 8-13-2002)

Sec. 24-34. - Development standards.

The development standards set out below shall be in lieu of the standards required elsewhere in this

chapter:

(a) *Minimum area.* A project must contain at least 20 acres unless the project is located within the Innsbrook Redevelopment overlay district as described in section 24-92.4 and contains at least four acres. In calculating the minimum acreage of the project, land zoned C-1 conservation district may be counted towards this requirement, but existing publicly dedicated streets and proposed public rights-of-way shall not. Once a UMU district is established, areas of less than 20 acres or less than four acres in the Innsbrook Redevelopment overlay district may be added to the UMU district through rezoning provided:

(1)The area to be added is directly adjacent to the district, or located across a public street with a right-of-way no wider than 90 feet.
(2) The design features proposed are consistent with the existing UMU project as determined at the time of rezoning.
(3) Required impact analyses are provided or existing impact analyses are updated to reflect additions to the approved UMU project.
(4) Pedestrian and vehicular access connects the area to be added to the approved UMU project. Where such connections are to private roads or property, access agreements shall be provided prior to rezoning to demonstrate such connections can be made.

(b) *Mixture of uses.* A minimum of 25 percent of the building square footage in the UMU district shall be developed for commercial or office uses unless otherwise permitted by provisional use permit. The required percentage of commercial or office uses shall be achieved at the 50 percent and 90 percent completion of construction thresholds of the total building square footage within the UMU district. The developer shall provide this calculation with the plans of development submitted for each phase of the project.

(c) *Covenants required.* Each tract of land within a project shall be under the supervision or control of a unified, central authority for the life of the project. To this end, restrictive covenants shall be recorded for each tract to be developed. Proposed restrictive covenants shall be submitted to the planning office for review and approval as to form satisfactory to the county attorney prior to any formal approval for development within the UMU district, and they shall be recorded prior to building permit approval. The covenants shall, at a minimum, provide for the creation of a property owners' association; maintenance of individual sites, common area, open space, landscaping and buffering and private streets; and minimum development and operational standards for each tract. The covenants shall also provide that any assessments, charges and costs of maintenance of common areas shall constitute a pro rata lien upon the individual lots or units subject to the covenants, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot or unit.

(d) *Height.* No building or structure shall exceed a height of 60 feet unless allowed by provisional use permit.

(e) *Street access.* The primary access to the UMU district shall be directly from a major access road, major collector, minor arterial, or major arterial roadway as designated on the county's major thoroughfare plan.

(f) *Landscaping and buffering.*

(1) *Purpose.* The purpose of the UMU district landscaping and buffering standards is to provide visual enhancement of the UMU district; protect and promote the appearance, character and economic value of property; reduce visibility of parking areas and other unattractive areas from adjacent properties and public lands; moderate climatic effects; minimize noise and glare; enhance public safety; reduce stormwater runoff; and provide visual transition between neighboring properties.

(2) *Applicability.* This section shall apply to all UMU district development plans. The developer shall submit a landscape plan with each final site plan approved for each phase of development.

(3) *General landscaping requirements.*

a. *Type and variety.* Plant materials shall be selected from the approved plant list in the current landscape manual. All modifications shall be approved by the director of planning in accordance with the substitutions or modifications section of the landscape manual.

b. *Financial guarantee.* Prior to the issuance of a certificate of occupancy, the applicant shall provide a financial guarantee for the landscaping. The amount of the financial guarantee shall be determined by the director of planning. The financial guarantee shall be held for a period of 24 months following the date of certificate of occupancy issuance. A certificate of occupancy shall not be issued until the required landscaping is planted in accordance with the approved landscape plan. If planting cannot occur due to seasonal or other constraints, the director of planning may accept a financial guarantee to insure future installation of plantings. The financial guarantee may be submitted in the form of an irrevocable letter of credit, certified check, surety bond, or cash escrow. The amount shall include the full cost of plant materials and installation costs such as, but not limited to, soil treatment, labor, and guying costs. If the director of planning accepts a financial guarantee to insure future plantings, all required landscaping shall be installed by the following planting season in order to obtain a refund of the guarantee.

c. *Sight distance.* The landscape plan shall identify a sight distance triangle at all intersections. The sight distance triangle shall include the area between the lines of an intersecting street or private drive and a straight line connecting them at a point 20 feet distant from the existing or proposed right-of-way line or private drive intersection. No trees, shrubs, or other materials shall be placed where they will impede visibility above 2½ feet or below a height of eight feet above the established curb grade within a sight distance triangle or where prohibited by the Virginia Department of Transportation or the department of public works.

(4) *Preservation of existing trees.* Preservation of existing trees and shrubs shall be maximized to provide for continuity and improved buffering ability. Except for tree canopy requirements, trees retained for compliance with this section shall not be less than six feet in height, shall be noted on the landscape plan, and shall comply with the following:

a. Prior to landscape plan approval, the property owner shall sign a statement stating protective measures to be taken and agreeing to replace trees or shrubs that die or are removed during or after construction;

b. The landscape plan shall identify the protection area and method of protection for retained trees. The minimum radius of the protection area shall be determined by multiplying the tree diameter in inches at four feet in height by one foot or by delineation of the drip line of the tree, whichever is greater;

c. The protection area shall be identified during construction with high visibility fencing. There shall be no encroachment including, but not limited to, earth disturbing activities such as grading or stockpiling of soil or materials within the protection area;

d. Any vegetation removed before, during or after construction shall be replaced with new vegetation which meets the minimum requirements of this section.

(5) *New trees.* Required tree plantings shall conform to the following minimum standards with caliper measurements taken six inches above grade. At time of planting:

a. Canopy trees for streetscape use shall measure a minimum of 3½-inch caliper; for general landscape use, a minimum of 2½-inch caliper is required.

b. Ornamental trees for streetscape use shall measure a minimum of 2½-inch caliper; for general landscape use, a minimum of 1½-inch caliper is required.

c. Screening trees shall measure a minimum of eight feet in height.

(6) *New shrubs.*

a. Shrubs for streetscape and general landscape use shall measure a minimum of 24 inches in height or 18 inches in spread at time of planting.

b. Shrubs for screening use shall measure a minimum of 30 inches in height at time of planting.

(7) *Tree canopy.* Tree canopy requirements shall be calculated in accordance with the current landscape manual. A minimum 15 percent tree canopy shall be provided for all sites.

(8) *Screening.*

a. Walls, fences, and plantings shall be utilized to physically reinforce an edge or street wall condition and to improve the visual environment of the UMU district.

b. Screening devices shall be required whenever:

1. Parking areas occur along public or private rights-of-way;

2. Loading, service and trash collection areas, and utility and mechanical equipment areas are visible from public rights-of-way or other properties at ground level;

3. Stormwater management facilities are placed within the development and are not used as a design feature or recreational amenity;

4. Incompatible or less intense uses abut the UMU district.

(9) *Minimum screening requirements.*

a. The minimum planting area width for screen landscaping shall be ten feet. The screen landscaping strip shall not be located in areas identified for public improvement projects or in public easements.

b. The screen landscaping strip shall consist of existing vegetation, proposed landscaping, berms, an opaque wall, or a combination thereof.

c. Berms within the screen landscaping strip shall have a maximum slope of 2:1.

d. If a proposed use within the UMU district abuts an incompatible or less intense district or use, the landscape buffer between the districts or uses shall be a minimum of 35 feet. The director of planning may approve an alternative buffer that minimizes the adverse effects on the less intense district or use.

(10) *Streetscape planting.*

a. *Applicability.* Streetscape plantings shall be required on or along all rights-of-way in the UMU district. Any existing roadways abutting or included within the development shall be subject to the streetscape planting standards of this section.

b. *Minimum requirements.*

1. A continuous streetscape planting strip at least eight feet wide shall be located adjacent to any existing or proposed roadway.

2. Trees, shrubs, groundcovers, ornamental grasses, flowers and turf grasses shall be planted within the planting strip.

3. Canopy trees shall be planted a maximum of 35 feet on-center. The director of planning may allow greater spacing to avoid conflicts or to recognize major design features.

4. Ornamental trees shall be planted a maximum of 12 feet on-center. The director of planning may allow greater spacing to avoid utility conflicts or to recognize major design features. The use of ornamental trees as street trees shall be limited to areas

with overhead constraints.

5. Shrubs and ornamental grasses within the streetscape planting strip shall be maintained at a maximum height of 36 inches or 30 inches within a sight distance triangle.

(11) *Parking lot landscaping requirements.*

a. Parking lot landscaping shall contain:

1. An average of four trees for each 100 feet of road frontage, with the exception of driveways. Such trees shall be evenly spaced along the right-of-way frontage, located within ten feet of the edge of roadway pavement, and placed between the edge of roadway pavement and sidewalk if sidewalks are constructed parallel to the roadway. This requirement may be satisfied if such trees are located within the right-of-way. Such trees shall be regularly trimmed so that the bottom six to eight feet of the tree trunk remains clear of branches and vegetation.

2. A continuous line of evergreen shrubbery planted along the entire perimeter of the parking lot abutting a street not more than ten feet behind the trees along the right-of-way frontage. The shrubbery must be at least two feet high when planted and shall be regularly trimmed for appearance and height not to exceed 3½ feet.

b. Parking lots shall be landscaped in general accordance with the master plan.

(g) *Common area, open space and preservation requirements.*

(1) At least 20 percent of the entire project shall consist of conservation, outdoor recreation and open space areas for the common use and enjoyment of residents, visitors and employees within the UMU district and shall be clearly delineated in the project's master plan. A reduced percentage may be approved by provisional use permit. These areas shall be distributed throughout the project and may include bodies of water, historic sites, works of art, outdoor recreation and public meeting areas, landscaping, and buffer areas. Internal bikeways and pedestrian walkways shall connect open space areas. Common areas and open space shall be located to enhance the living environment and pedestrian-oriented uses. Common open space shall not be aggregated in large areas. Common areas may be conveyed and shall be maintained and controlled in accordance with the covenants required by this article.

(2) Environmental protection, wetland, floodplain, other environmentally sensitive areas, and stormwater management and "best management practices" (BMP) areas are not counted in meeting minimum open space area requirements unless they are used as a design feature or recreational amenity.

(3) Common areas and areas designated for open space and recreation shall be designed and arranged in order to provide maximum use and accessibility to all owners or residents of the project or by the public if dedicated for public use.

(4) When recreational facilities are not included in the project, the common area shall contain land other than floodplains, steep slopes, wetlands and resource protection areas that is of sufficient size anad suitable for recreational uses such as swimming pools, playgrounds, ballfields, tennis courts and similar uses.

(5) Common areas shall be protected and maintained during the development process as required by the applicable provisions of this chapter and chapter 10 of this Code. During the development process, common areas shall not be used for storing, filling or dumping of any materials and shall not be denuded, defaced or otherwise disturbed without the prior approval of the appropriate county department and the director of planning. If disturbed, such areas shall be restored by the developer or owner to the condition existing prior to the disturbance, including the removal of dead or damaged trees, stumps, and remnants in accordance with an

appropriate plan containing performance guarantees approved by the director of planning.

(6) Common areas shall be maintained by the developer or owner of the project until they are conveyed to a property owners association whose members shall be owners of property in the project. The common areas shall be held by the owners association for use and enjoyment of its members. If the developer or owner conveys the common area to an owners association, deed restrictions and covenants, in form and substance satisfactory to the county attorney, shall provide that any assessments, charges or costs of maintenance of the common areas constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.

(7) Areas dedicated to the county for public use, other than streets dedicated by the subdivision plat, shall be conveyed to the county only in a manner and form approved by the county attorney.

(h) *Improvements.* Improvements including, but not limited to, private streets, streetlights, sidewalks, and encroachments shall be maintained by the developer or owner of the project until they are conveyed to a property owners association whose members shall be owners of property in the project. If the developer or owner conveys the improvements to an owners association, deed restrictions and covenants, in form and substance satisfactory to the county attorney, shall provide that any assessments, charges, and costs of maintenance constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot.

(i) *Public water and sewer.* All projects shall be served by public water and sewer.

(j) *Utility lines underground.* All new utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping.

(k) *Outside storage and refuse containers.* There shall be no outside storage of any equipment, materials or supplies. Refuse containers shall be completely screened from view by means of an opaque fence or wall that is architecturally compatible with the buildings on the site. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(l) *Lighting.*

(1) *Purpose.* The purpose of UMU district lighting standards is to encourage good lighting practices designed to conserve energy and money, minimize glare, protect the use and enjoyment of surrounding property, and increase nighttime safety, utility, security and productivity.

(2) *Applicability.* The provisions of this section shall apply to any project in the UMU district.

(3) *Lighting standards.*

a. All outdoor lighting fixtures shall be limited to the types of fixtures contained in the project's master plan.

b. Light source locations shall be chosen to minimize the hazards of glare. The height of freestanding lighting fixtures shall not exceed 20 feet, except that no more than four lighting fixtures may extend to 35 feet at the intersection of public or private streets unless otherwise approved by the director of planning.

c. Illumination. Illumination shall be measured at grade at the property line and shall not exceed 1.0 footcandle ten feet outside the property line unless the director of planning finds there will be no adverse effect on adjacent property or public safety.

(4) *Streetlights.* Streetlights shall be installed by the applicant and shall comply with the following:

a. Street lighting shall maintain an average illumination between 0.5 and 1.5 footcandles unless an alternative level of illumination is approved by the director of planning or county traffic engineer for safety purposes.

b. Streetlight poles shall be designed and placed in accordance with VDOT or county standards. Placement of the streetlight poles shall be coordinated to be on or near the side property lines of residential dwelling units.

(5) *Parking lot lighting requirements.* Adequate lighting shall be provided for surface parking facilities used at night. The minimum required lighting intensity to be provided in all parking areas is 1.0 footcandle; provided, however, that the lighting intensity for parking lots adjoining a right-of-way or residential area shall not exceed 1.0 footcandle ten feet outside the property line unless the director of planning finds there will be no adverse effect on adjacent property or public safety.

(6) *Submittal requirements.* A lighting plan shall be submitted with each plan of development that details the location and specifications of all lighting provided. An ISO footcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

(m) *Parking.* Notwithstanding any other requirements with respect to off-street parking set forth in section 24-96, the following provisions shall be applicable in the UMU district:

(1) *Minimum spaces.* The minimum number of parking spaces required for uses in the UMU district shall be as follows:

a. For nonresidential uses, the minimum parking is:

Restaurant: One space per 150 square feet of gross floor area.

Retail: One space per 250 square feet of gross floor area.

Office: One space per 300 square feet of gross floor area.

Hotel/motel: One space per bedroom.

Other nonresidential uses shall provide parking as required by section 24-96(b).

b. For residential uses, one parking space per one bedroom studio, loft or efficiency dwelling unit shall be provided, and 1½ parking spaces per two or more bedroom dwelling unit.

(2) *Off-site parking.* Off-site parking accessible by sidewalk, trail, or other improved pedestrian way which is located within 1,000 feet of a publicly accessible entrance of the building may be used in the calculation of the required parking for a nonresidential use.

(3) *Parking garage.* Parking within a garage or within an enclosed or covered space may be counted toward meeting off-street parking requirements.

(4) *On-street parking – private streets.* On-street parking on private streets shall count towards any nonresidential off-street parking requirements, provided that such parking is not counted for any other use and is located within 1,000 feet of its intended use.

(5) *On-street parking – public streets.* On-street parking on public streets shall count towards 25% of any nonresidential off-street parking requirements, provided that such parking is not counted for any other use and is located within 1,000 feet of its intended use.

(6) *Shared parking agreements.* The applicant shall provide documentation, such as shared parking agreements, of the allocation of off- and on-street parking for all proposed uses with each application for a building permit or change of use or at the request of the director of planning.

(7) *Parking plan.* In lieu of the parking requirements in subdivision 1, the applicant may submit a provisional use permit for a parking plan. Such plan shall provide calculations used for the base parking requirements, which shall be certified by a licensed engineer. Any plan of development for projects with an approved parking plan shall include:

a. Parking sheds showing the maximum distance from any proposed parking area to the uses for which the parking area may be used. On-street parking may only be counted as provided for in subdivisions 4 and 5.

b. A listing of the proposed uses within each parking shed. The anticipated square footage shall be provided for each proposed use.

c. Reserved areas for additional parking on-site to accommodate additional parking required by a change of use or other factor requiring additional parking. Such reserved areas shall be clearly identified on the parking plan and may include areas proposed for future conversions of surface parking to parking structures.

(n) *Sidewalks.* Sidewalks, a minimum five feet in width in nonresidential areas, shall be installed along both sides of each street, public or private, exclusive of private alleyways, unless otherwise approved by the director of planning at the time of plan of development review due to design considerations such as limited right-of-way, utility conflicts, or steep topography. The minimum sidewalk width may not include any outdoor dining, display or vending area.

(o) *Minimum yard (setbacks) and lot width and area.* The master plan shall set forth the minimum lot area, lot width, and yard (front, rear, or side) requirements.

(p) *Comprehensive sign program.* Notwithstanding any other requirements in section 24-104.1, the following provisions shall be applicable in the UMU district:

(1) The master plan shall include a comprehensive sign program to coordinate all nonpublic signage within the UMU district.

(2) The numbers, sizes, and types of signs allowed shall be in accordance with the following:

a. No detached sign shall exceed 15 feet in height and, if lighted, the sign shall be internally lit so there are no freestanding spotlights or any type of individual lighting structure. Illuminated sign messages shall be illuminated from within the sign structure.

b. Freestanding sign. One sign per tenant space not to exceed 0.5 square foot of sign area per linear foot of building frontage or 32 square feet in area, whichever is less. The sign may be erected within an outdoor plaza adjacent to the building.

c. Attached signs shall not exceed 1.5 square feet of sign area per linear foot of building length. For a building divided into multiple tenant spaces, the length of the building shall be the sum of the lengths of the longest exterior wall of each tenant space.

d. A building six stories or more in height shall be eligible for two additional attached signs. The aggregate area of the two additional attached signs shall not exceed 150 square feet. Both signs must be mounted on or above the fourth story of the building but not above the roofline of the building.

e. Additional signs for entrances to upper-floor residential dwelling units. One sign not more than eight square feet in area shall be permitted on the ground floor at each principal entrance providing direct access to the dwelling units.

f. Project signs. Two signs, not exceeding 100 square feet in the aggregate. Project signs shall be placed within the UMU district on property owned and controlled in common by the individual owners of lots or units within the project or within the right-of-way at a principal entrance or intersection serving primarily the project if approved by the county engineer.

g. Temporary signs. A temporary, nonilluminated sign limited in area to 32 square feet may be displayed no more than 90 consecutive days and no more than 120 days per year.

h. Reserved.

i. Wall signs. Signs may be painted on or attached flat against a wall or other vertical surface of a main building, provided that such signs shall not extend beyond the

extremities of the surface of the building to which they are attached. Signs attached to the lower plane of a mansard or gambrel roof of a main building shall be permitted as wall signs for the purposes of this provision, provided that such signs shall be attached flat to the roof surface or shall be parallel to the building wall above which they are located, and shall in no case extend beyond the extremities of the roof surface to which they are attached.

j. Projecting signs. Signs attached to and projecting from the face of a wall of a main building shall be permitted, provided that:

1. One projecting sign shall be permitted for each building frontage;

2. No projecting sign shall project greater than five feet from the face of the building or extend above the height of the wall to which it is attached;

3. Projecting signs shall not exceed nine square feet in area;

4. Projecting signs shall provide a minimum under clearance of eight feet;

5. Projecting signs conforming to the provisions of this section may extend over the right-of-way.

k. Awning and canopy signs. Lettering, symbols and combinations thereof constituting a sign may be painted on or affixed to an awning or canopy attached to a main building when such sign does not extend beyond the extremities of the canopy or awning, and provided that:

1. Not more than one awning or canopy containing a sign shall be attached to each building frontage, and no projecting sign shall be attached to such building frontage;

2. Not more than one sign shall be attached to each face of an awning or canopy, and no such sign shall exceed four square feet in area;

3. Awnings or canopies containing signs conforming to the provisions of this section may extend over the right-of-way of a public street when authorized by the director of public works.

(3) The board of supervisors may approve specific deviations from the above criteria if requested at the time of rezoning.

(q) *Dwellings in special flood hazard area.* Notwithstanding the provisions of subsection 24-95(u)(1), a mixed use structure may be constructed in the special flood hazard area as defined in section 24-3 if it meets the following requirements:

(1) The structure is located on property zoned UMU; and the structure, or any portion thereof, is located within 300 feet of the James River;

(2) The construction complies with the specific requirements of the Uniform Statewide Building Code and its incorporated standards for construction in special flood hazard areas;

(3) There must be vehicular access to the structure above the base flood elevation;

(4) No portion of the structure below the base flood elevation may be enclosed on all sides;

(5) The lowest enclosed floor is a minimum of one foot above the base flood elevation and is not used for residential purposes; and

(6) The structure is at least 45 feet in height and contains more than 40 residential units.

(r) *Roads.* Roads, driveways, and parking areas shall be designed and constructed in accordance with pavement design standards and specifications of the department of public works unless the directors of planning and public works find there will be no adverse impact on public safety. A licensed engineer shall certify construction of the roadways to such standards in a phase of a development prior to the issuance of any occupancy permit in that phase of the development.

(s) *HVAC screening.* HVAC and mechanical equipment shall be screened from view at ground level. Screening shall consist of landscaping or materials used in the principal building's exterior.

(t) *Commercial vehicles.* Parking of any commercial vehicle exceeding 10,000 pounds gross weight, or any commercial trailer or wrecker, is permitted only when loading, unloading, or working at or near the location where it is parked.

(Code 1995, § 24-34; Ord. No. 1037, § 6, 8-13-2002; Ord. No. 1118, § 1, 11-27-2007)

Sec. 24-34.1. - Repealed.

Sec. 24-34.2. - Repealed.

ARTICLE IX. - R-6 GENERAL RESIDENCE DISTRICT; USES

Sec. 24-35. - Principal uses permitted.

(a) Any principal use permitted and as regulated in the R-5 district.

(b) Nursing home, convalescent home or homes for the aged; provided, that any such use shall have a minimum lot area of five acres.

(c) Child care centers in accordance with section 24-106.

(d) Multifamily development in accordance with section 24-30.2. Compliance with multifamily guidelines maintained by the director of planning is strongly encouraged.

(Code 1980, § 22-35; Code 1995, § 24-34; Ord. No. 1008, § 3, 11-28-2000)

Cross reference—Permitting parking for B district uses in an R-6 district, § 24-96.

Sec. 24-36. - Conditional uses permitted by special exception.

Public utility buildings.

(Code 1980, § 22-36; Code 1995, § 24-36)

Sec. 24-36.1. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter:

(a) Life care facility subject to the following requirements:

(1) *Lot area.* A minimum lot area of five acres shall be provided.

(2) *Public water and sewer.* The site shall be served by public water and sewer.

(3) *Site coverage.* The aggregate area of the site covered by buildings, driveways and parking areas shall not exceed the following:

a. Buildings two stories or less in height, 65 percent.

b. Buildings three or more stories in height, 50 percent.

(4) *Parking required.* Parking is required as regulated by this chapter and in no case shall be less than as follows:

a. Nursing care type units containing no separate bedroom, one parking space for each two beds.

b. Multifamily dwelling units, with or without kitchens, containing one or more separate bedrooms, three-quarters parking space per unit.

c. Dwelling units comprised of one- or two-family detached or attached units, one parking

space per unit.

(5) *Minimum yard areas.* Minimum yard areas shall be provided as required for the district except that the minimum lot width and yards for one- or two-family dwellings may be reduced to 75 percent of the minimum width and yards required for the R-4A or R-5A districts respectively.

(6) *Minimum lot area per family.* A minimum lot are of 1,440 square feet shall be provided for each multifamily dwelling unit; provided, that the overall project density shall not exceed 30 units per acre. The minimum lot area for one-family dwellings may be reduced to 5,825 square feet or for two-family dwellings may be reduced to 8,440 square feet.

(7) *Service area.* One hundred square feet of floor area for each individual life care unit shall be devoted to providing services for the residents, such as:

a. Dining room, and area for food preparation and storage;

b. Physical therapy room;

c. Recreation room;

d. Library or sitting areas;

e. Arts, crafts and activities areas;

f. Retail and service facilities, including, but not limited to, administrative offices, barbershop and beauty shop, cleaners, clothing sales, gift and flower shop, drugs, food and sundries, book store, bank and medical office; provided, that any retail activities shall be located within a principal building on the premises and no signs or announcements shall be displayed on the exterior of the building;

g. Lobby and day room; and

h. Private visitation rooms.

(8) *Site plans required.* Site plans for life care facilities shall be reviewed and approved in accordance with section 24-106 of this chapter.

(9) *Total floor area.* Total floor area for each dwelling unit shall be a minimum of 350 square feet.

(b) Master-planned communities, subject to the following requirements:

(1) *Maximum project area.* Master-planned communities may not exceed 10 acres in area.

(2) *Master plan required*. Each application pursuant to this subsection must include a master plan showing the location and mix of proposed residential and commercial uses, the location and height of all existing and proposed structures, public and private streets, parking spaces, pedestrian circulation, open space, the developer's architectural design requirements, landscaping, buffers, and site lighting.

(3) *Permitted B-2 uses*. Any principal or accessory use permitted in the B-2 district may be located in the first or second story of a building exceeding two stories in height. Any provisional use permitted in the B-2 district may be located in the first or second story of a building exceeding two stories in height without an additional provisional use permit if the use is identified in the master plan. Permitted commercial uses shall occupy no less than 15 percent and no more than 35 percent of the floor area of the overall project unless a different percentage is identified in the approved master plan. Up to 35 percent of the permitted commercial uses may be located in buildings without residential uses unless a different percentage is identified in the approved master plan.

(4) *Signage for permitted commercial uses*. Each permitted commercial use may have one attached sign not to exceed 15 square feet in area.

(5) *Parking study.* The master plan may include a parking study prepared by a licensed engineer showing the number of parking spaces required and proposed for the project. The parking

study may consider the use of on-street parking and the use of shared parking under shared parking agreements. The number of parking spaces proposed in the study shall apply in lieu of the parking requirements of this chapter if the provisional use permit is granted.

(6) *Increased density*. The master plan may show multifamily residential units at a higher density than otherwise allowed on the property by this chapter. The density of multifamily residential units shown on the master plan shall apply in lieu of the density requirements of this chapter if the provisional use permit is granted.

(7) *Reduced setbacks*. The master plan may show setbacks that do not meet the minimum setback requirements of this chapter. Reduced setbacks shown on the master plan shall apply in lieu of the minimum setback requirements of this chapter if the provisional use permit is granted.

(c) Buildings or structures up to 200 feet in height may be permitted by provisional use permit.

(Code 1980, § 22-36.1; Code 1995, § 24-36; Ord. No. 1028, § 2, 6-11-2002; Ord. No. 1111, § 6, 8-14-2007)

Sec. 24-37. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the R-5 district.

(b) Signs as regulated in section 24-104.1.

(c) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-37; Code 1995, § 24-36)

Sec. 24-37.1. - Exceptions to article IX.

For any property zoned R-6 general residence district prior to November 10, 1993, having a valid subdivision plat approved by the agent in accordance with chapter 19 of the County Code as of November 10, 1993, the following principal uses if approved on the subdivision plat are permitted:

(a) One-family dwellings in accordance with the requirements of section 24-30.1(a).

(b) Two-family dwellings in accordance with the requirements of section 24-30.1(b).

(c) Detached and semidetached dwellings for sale with zero lot lines in an approved subdivision of five or more lots in accordance with the requirements of section 24-30.1(c).

(d) Townhouses for sale as permitted and regulated in article X, with architectural treatment permitted as follows:

(1) No more than 12 townhouse units shall be continuously connected. A minimum of ten feet of common area shall separate any two groups or rows of lots.

(Code 1980, § 22-37.1; Code 1995, § 24-37)

ARTICLE X. - RTH RESIDENTIAL TOWNHOUSE DISTRICT; USES

Sec. 24-38. - Principal uses permitted.

(a) Any principal use permitted and as regulated in the R-3 district, except one-family dwellings.

(b) Townhouses for sale in accordance with sections 24-41 and 24-106 of this chapter.

(c) Condominiums in accordance with sections 24-42 and 24-106.

(d) Swimming pools, recreational and athletic facilities, community buildings and other similar and related improvements for the common use of occupants of the development and their guests.

(e) Assisted living facilities and group homes, when located in any dwelling or housing type as permitted by this section and as regulated by this chapter.

(Code 1980, § 22-38; Code 1995, § 24-37)

Sec. 24-39. - Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the R-3 district, except short-term rentals, and section 24-95.

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

(c) Signs as regulated in section 24-104.1.

(d) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-39; Code 1995, § 24-37)

Sec. 24-40. - Common areas.

Except in such developments regulated by the Virginia Condominium Act (Code of Virginia, title 55, ch. 4.2, as amended), in the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners in the development. Said land shall be conveyed to and be held by said nonprofit corporate owner solely for recreational and parking purposes of the individual owners in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the county attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual lots or units, inferior in lien and dignity only to taxes and bona fide duly recorded first

deeds of trust on each lot or unit.

(Code 1980, § 22-40; Code 1995, § 24-40)

Sec. 24-41. - Development standards—Townhouses for sale.

(a) *Area and density.* Area and density of development of townhouses for sale shall not exceed nine units per acre.

(b) *Frontage.*

(1) A minimum lot frontage, measured at the setback line, of 19 feet shall be provided.

(2) All townhouse units, except end units and those on corner lots, shall occupy the full width of the lot on which it is constructed.

(3) Townhouse lots may front on a dedicated street or public access easement containing roadways, walkways or both.

(c) *Front yards.* The front yard setback for townhouses shall be a minimum of 15 feet from project drives and walkways, 25 feet minimum from secondary residential streets and 35 feet from all other streets. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(d) *Side yards.* Townhouses on ends of groups shall have a minimum side yard of ten feet; and for townhouses at corners, the side yard shall be a minimum of 20 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(e) *Rear yards.* Townhouses shall have a minimum rear yard of 30 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(f) *Permitted variations in yard requirements.* Either the required front or rear yard may be eliminated or reduced if comparable space is added to the required side yard.

(g) *Building height.* Townhouses shall have a maximum building height of 40 feet.

(h) *Architectural treatment.*

(1) There shall be at least three but no more than eight townhouse dwelling units continuously connected. A minimum distance of ten feet of common area shall separate any two groups or rows of lots.

(2) Not more than four abutting townhouses shall have the same or essentially the same architectural

facades and treatment of facing materials. Such variations may be achieved by variations in colors, material textures or sculptural effect.

(i) *Parking.* A minimum of two and one-quarter parking spaces per townhouse shall be provided within common parking areas, or along common drives or on internal dedicated streets. Carports and garages not to exceed one story can be provided in rear and front yards and in common parking areas. Attached garages cannot be included in the parking calculations. Townhouses on property with an approved plan of development, proffers approved as part of a rezoning case, an approved special exception, or previous multifamily development on the property as of November 28, 2000, shall have a minimum of two parking spaces per unit.

(j) *Accessory buildings.* Accessory buildings may be located in rear yards only and shall not occupy over 25 percent thereof, and shall be located not less than eight feet from a rear lot line.

(k) The provisions of section 24-30.2 shall apply to all townhouses for sale. Compliance with multifamily guidelines maintained by the director of planning is strongly encouraged.

(Code 1980, § 22-41; Code 1995, § 24-41; Ord. No. 1008, § 4, 11-28-2000; Ord. No. 1026, § 2, 3-26-2002; Ord. No. 1111, § 7, 8-14-2007)

Sec. 24-42. - Same—Condominiums.

(a) *Area and density.* Area and density of development of condominiums shall not exceed nine units per acre.

(b) *Front yards.* The front yard setback from condominiums shall be a minimum of 15 feet from project drives and walkways, 25 feet minimum from secondary residential streets and 35 feet from all other streets. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(c) *Side yards.* The minimum side yard for the development shall be 25 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(d) *Rear yards.* The minimum rear yard for the development shall be 30 feet. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-of-way.

(e) *Building height.* Condominiums shall have a maximum building height of 40 feet.

(f) *Parking.* A minimum of 2¼ parking spaces per condominium unit shall be provided. Attached garages cannot be included in the parking calculations. Condominiums on property with an approved plan of

development, proffers approved as part of a rezoning case, an approved special exception, or previous multifamily development on the property as of November 28, 2000, shall have a minimum of two parking spaces per unit.

(g) The provisions of section 24-30.2 shall apply to all condominiums. Compliance with multifamily guidelines maintained by the director of planning is strongly encouraged.

(Code 1980, § 22-42; Code 1995, § 24-42; Ord. No. 1008, § 5, 11-28-2000; Ord. No. 1026, § 3, 3-26-2002; Ord. No. 1111, § 8, 8-14-2007)

Sec. 24-43. - Exceptions to article X.

For any property zoned RTH residence townhouse district prior to November 10, 1993, having a valid subdivision plat approved by the agent in accordance with chapter 19 of the County Code as of November 10, 1993, the following principal uses if approved on the subdivision plat are permitted:

(a) One-family dwellings as permitted and regulated in the R-3 district.

(b) Detached and semidetached dwellings for sale with zero lot lines in an approved subdivision of five or more lots in accordance with section 24-106 and section 24-13.1(d).

(c) Townhouses for sale as permitted and regulated in article X, with architectural treatment permitted as follows:

(1) No more than eight townhouse units shall be continuously connected. A minimum of ten feet of common area shall separate any two groups or row of lot(s).

(Code 1980, § 22-43; Code 1995, § 24-43)

Secs. 24-44—24-50. - Reserved.

ARTICLE XA. - O-1 OFFICE DISTRICT

Sec. 24-50.1. - Purpose of district.

The purpose of this district is to provide for certain nonresidential buildings on sites that may not be considered appropriate for residential use but in attractive surroundings with types of uses and exterior indication of these uses so controlled as to be generally compatible with low-density residential development. It is anticipated that the district would be applied to areas of relatively small size but could be applied to larger areas if development standards are complied with. Height of buildings which are to be near low-density residence is limited to further enhance their compatibility in a residential environment.

(Code 1980, § 22-50.1; Code 1995, § 24-50)

Sec. 24-50.2. - Principal uses permitted.

(a) Offices and office buildings, business, professional or administrative, but not banks or savings and loan establishments; provided, that no retailing, wholesaling or servicing shall be permitted on the premises nor the storage or display of merchandise to be serviced or offered for sale elsewhere, and there shall be no machinery or equipment other than machinery or equipment customarily found in such offices.

(b) Offices, medical.

(c) Studio for an artist, designer, writer, photographer, sculptor or musician.

(d) Child care centers in accordance with section 24-106.

(e) Places of worship.

(Code 1980, § 22-50.2; Code 1995, § 24-50)

Sec. 24-50.2:1. - Provisional uses permitted.

(a) *Accessory dwellings.* Up to four dwelling units, located on a floor or floors above an office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(Code 1995, § 24-50.2:1; Ord. No. 1029, § 1, 6-11-2002)

Sec. 24-50.3. - Accessory uses permitted.

(a) Accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

(b) Coin-operated and vending machines for food, tobacco, ice, soft drinks and sundries inside a building and for the use of occupants thereof.

(c) Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted office or studio use subject to applicable district regulations and provided such storage area does not exceed ten percent of the total floor area of the building.

(d) Signs as regulated in section 24-104.1.

(e) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-50.3; Code 1995, § 24-50.3)

Sec. 24-50.4. - Required conditions.

(a) *Access.* Access points shall be located and designed to minimize traffic hazards and congestion in accordance with accepted principles of good planning, traffic engineering and established county policy. The principal means of access for any permitted use or combination of uses shall be from arterial or collector thoroughfares.

(b) *Refuse containers.* Refuse containers shall be located in a paved area and shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(c) *Drainage.* Provision shall be made for proper stormwater drainage. Water from parking and loading

areas shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement.

(Code 1980, § 22-50.4; Code 1995, § 24-50.4)

ARTICLE XB. - O-2 OFFICE DISTRICT

Sec. 24-50.5. - Purpose of district.

The purpose of this district is to provide for office buildings in attractive surroundings with types of uses and signs so controlled as to be generally compatible with medium-density residential surroundings. The district can be applied to large or small areas.

(Code 1980, § 22-50.5; Code 1995, § 24-50.5)

Sec. 24-50.6. - Principal uses permitted.

(a) Offices and office buildings, business, professional or administrative; provided, that no retailing, wholesaling or servicing shall be permitted on the premises.

(b) Banks, savings and loan or small loan establishments, drive-in or otherwise.

(c) Offices, medical and laboratories.

(d) Employment service or agency.

(e) Funeral home or undertaking establishment, provided all hearses, or other special vehicles are parked or stored inside a completely enclosed building.

(f) Studio for an artist, designer, writer, photographer, sculptor or musician.

(g) Child care centers in accordance with section 24-106.

(h) Places of worship.

(Code 1980, § 22-50.6; Code 1995, § 24-50.6)

Sec. 24-50.6:1. - Provisional uses permitted.

(a) *Accessory dwellings.* Up to four dwelling units, located on a floor or floors above an office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(Code 1995, § 24-50.6:1; Ord. No. 1029, § 2, 6-11-2002)

Sec. 24-50.7. - Conditional uses permitted by special exception.

(a) General hospitals, sanitoriums and charitable institutions for human care; provided, that any such use shall have a minimum lot area of five acres.

(b) Radio and television broadcasting stations.

(c) Retail and service facilities in an office building containing at least 50,000 square feet of floor area devoted to office use, provided such retail and service facilities do not occupy more than ten percent of the floor area of the building. Retail and service facilities may include, but not be limited to, such uses as a

barbershop, beauty shop, health club, jewelry store or watch repair, lunchroom or restaurant, ethical pharmacy, newspaper and magazine stand, optometrist, souvenir shop, tobacco shop or valet shop in an office building, provided there shall be no entrances directly from the street or parking lot to these businesses, no signs or other evidence indicating the existence of such businesses visible from the outside of the building, and provided that such uses are secondary to the primary use of the building for professional and general office purposes.

(d) Buildings in excess of 45 feet in height but not exceeding eight stories (110 feet in height).

(e) One cremation unit to serve funerals conducted by the operator of the funeral chapel and to be used for the cremation of dead human bodies. The cremation unit shall be equipped with safeguards to eliminate all smoke, odor and other emissions.

(Code 1980, § 22-50.7; Code 1995, § 24-50.7)

Sec. 24-50.8. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the O-1 district.

(b) Cafeteria or snack bar for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits, except required emergency exits or signs.

(c) Signs as regulated in section 24-104.1.

(d) Living accommodations when located in a structure permitted as a principal use for a resident manager, caretaker and/or security guard employed on the premises.

(e) Living quarters subject to the floor area requirements of section 24-50.7(c).

(f) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-50.8; Code 1995, § 24-50.8)

Sec. 24-50.9. - Required conditions.

(a) *Access.* Access points shall be located and designed to minimize traffic hazards and congestion in accordance with accepted principles of good planning, traffic engineering and established county policy. The principal means of access for any permitted use or combination of uses shall be from arterial or collector thoroughfares.

(b) *Refuse containers.* Refuse containers shall be located in a paved area and shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(c) *Drainage.* Provision shall be made for proper stormwater drainage. Water from parking and loading areas shall not be permitted to drain from such areas onto adjacent property except into a natural

watercourse or a drainage easement.

(Code 1980, § 22-50.9; Code 1995, § 24-50.9)

ARTICLE XC. - O-3 OFFICE DISTRICT

Sec. 24-50.10. - Purpose of district.

The purpose of this district is to provide for office buildings in attractive surroundings with types of uses and signs so controlled as to be generally compatible with high-density residential surroundings. The district is intended for application to areas well served by arterial thoroughfares where major employment concentrations are appropriate. Accessory commercial and service uses are permitted in larger buildings.

(Code 1980, § 22-50.10; Code 1995, § 24-50.10)

Sec. 24-50.11. - Principal uses permitted.

(a) Any principal use permitted and as regulated in an O-2 office district.

(b) Offices and office buildings, business, professional or administrative.

(c) General hospitals, sanitoriums and charitable institutions for human care, provided any such use shall have a minimum of five acres.

(d) Printing, publishing and engraving establishment, blueprinting, photocopying and similar uses, provided, that no use permitted in this item shall occupy more than 5,000 square feet of floor area.

(e) Radio or television broadcasting studios or offices.

(f) Retail and service facilities in an office building containing at least 50,000 square feet of floor area devoted to office use, provided such retail and service facilities do not occupy more than 20 percent of the floor area of the building. Retail and service facilities may include, but not be limited to, such uses as barbershops, beauty parlors, dining rooms, exercise rooms, newsstands, restaurants, cocktail lounges, cafeterias, valet service, automobile rental office, travel agency and retail stores for wearing apparel, jewelry, sporting goods, books, records, photographic equipment, gifts, art objects and supplies, luggage, flowers, house plants, food, beverages, packaged fruits, tobacco, drugs and sundries.

(g) Trade or business school, but not involving internal-combustion engines, heavy-duty trucks, construction machinery, heavy-duty materials handling equipment or similar vehicles and equipment.

(h) Hotel or motel satisfying the following conditions within an office development of 50 acres or more:

(1) One such building shall be permitted for each 50 acres within the development; and

(2) Such buildings and accessory uses shall not be located on a lot that immediately adjoins a residential district and, in any event, shall be a minimum of 300 feet from a residentially zoned or used property.

(Code 1980, § 22-50.11; Code 1995, § 24-50.11; Ord. No. 965, § 1, 11-12-1997)

Sec. 24-50.11:1. - Provisional uses permitted.

(a) *Accessory dwellings.* Up to four dwelling units, located on a floor or floors above an office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(b) Buildings or structures up to 200 feet in height.

(Code 1995, § 24-50.11:1; Ord. No. 1029, § 3, 6-11-2002; Ord. No. 1091, § 1, 11-14-2006)

Sec. 24-50.12. - Conditional uses permitted by special exception.

(a) Conditional uses permitted and as regulated in the O-2 district.

(b) Freestanding structure containing an auditorium, lecture hall or recreation facilities primarily for employees in the district.

(c) Helistop (landing facilities only, no servicing or fueling facilities).

(d) Private club.

(Code 1980, § 22-50.12; Code 1995, § 24-50.12)

Sec. 24-50.13. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the O-2 district.

(b) Signs as regulated in section 24-104.1.

(c) Storage of office supplies or merchandise normally carried in stock or used in connection with a permitted office or business use subject to applicable district regulations and provided such storage area does not exceed 15 percent of the total floor area of the building.

(d) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-50.13; Code 1995, § 24-50.13)

Sec. 24-50.14. - Required conditions.

(a) *Access.* Access points shall be located and designed to minimize traffic hazards and congestion in accordance with accepted principles of good planning, traffic engineering and established county policy.

(b) *Refuse containers.* Refuse containers shall be located in a paved area and shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(c) *Drainage.* Provision shall be made for proper stormwater drainage. Water from parking and loading areas shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement.

(Code 1980, § 22-50.14; Code 1995, § 24-50.14; Ord. No. 965, § 2, 11-12-1997)

ARTICLE XD. - O/S OFFICE SERVICE DISTRICT

Sec. 24-50.15. - Purpose of district.

The purpose of this district is to provide for the development of attractive and efficient office uses in combination with appropriate retail, service and industrial uses, all of which are intended to be generally compatible with the goals, objectives and policies of the office concentration designation of the land use plan. Any development within this district shall occur within a distinct and planned environment under unified development and operational standards, which standards shall be in addition to and not in lieu of such other standards contained elsewhere in this chapter. Development and operational standards within this district are intended to ensure that site details such as percent of ground cover, building height, signage, landscaping and architectural treatment are regulated to provide for the appropriate use of land, protection against overcrowding of land, the compatibility of the project with adjacent land uses, the health, safety, order, convenience and general welfare of citizens and the aesthetics of the development to encourage good design and arrangement of buildings for the creation of a convenient, attractive and harmonious community.

(Code 1980, § 22-50.15; Code 1995, § 24-50.15; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.16. - Minimum district area.

To be eligible for development under the provisions of this article, a project must contain at least 20 acres. In calculating the minimum acreage of the area, land zoned C-1 conservation district may be included, but existing dedicated streets and proposed public rights-of-way may not be included.

(Code 1980, § 22-50.16; Code 1995, § 24-50.16; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.17. - Covenants required.

In order that the purposes of this district shall be realized, each site to be developed within an office/service district shall be under the supervision or control of a unified, central authority for the life of the project. To this end, restrictive covenants shall be established for each project to be developed. The proposed restrictive covenants shall be submitted to the planning office for review and approval as to form and substance satisfactory to the county attorney prior to any formal approval for development within the project and shall be recorded prior to building permit approval. The covenants shall, at a minimum, provide for the creation of a property owners' association; provide for maintenance of individual sites, common areas, open spaces, landscaping and buffering and private streets; and provide for minimum development and operational standards for each site.

(Code 1980, § 22-50.17; Code 1995, § 24-50.17; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.18. - Principal uses permitted.

(a) Office.

(b) Banks, savings and loan, small loan establishments and/or similar financial institutions, drive-in or otherwise.

(c) Child care centers.

(d) Hotel or motel in a project of at least 50 acres.

(e) Retail and service uses (as described in the B-2 district and as regulated in section 24-50.18:1 of this Code) including, but not limited to, uses such as barbershops, beauty parlors, dining rooms, exercise rooms, newsstands, restaurants, cocktail lounges, cafeterias, valet service, automobile rental office, travel agency, retail stores for wearing apparel, jewelry, sporting goods, books, records, photographic equipment, gifts, art objects, stationery and office supplies, luggage, flowers, house plants, food, beverages, packaged

fruits, tobacco, drugs, sundries, showroom, sales and service areas.

(f) Light industrial uses, as regulated in section 24-50.18:1 of this Code and limited to the following:

(1) Distribution businesses including warehousing;

(2) Laboratories, research, development or testing, but not testing of explosives;

(3) Wholesaling including warehousing;

(4) Warehousing (excluding miniwarehouses and self-service storage facilities);

(5) Testing and repair;

(6) Light manufacturing uses as follows:

a. Manufacture or assembly of medical or dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, electrical or electronic apparatus, communication equipment, photographic and metering equipment, firearms, electrical appliances, tools, dies, machinery, hardware products or comparable uses.

b. Compounding of cosmetics, toiletries, drugs and pharmaceutical products or comparable uses.

(g) Data processing center.

(h) Radio or television broadcasting studios and/or offices.

(i) Trade or business school, but not involving internal-combustion engines, heavy-duty trucks, construction machinery, heavy-duty equipment, handling equipment or similar vehicles and equipment.

(j) Medical or dental clinics.

(k) Medical or dental laboratories.

(l) Places of worship.

(Code 1980, § 22-50.18; Code 1995, § 24-50.18; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.18:1. - Restrictions imposed on retail and service facilities and light industrial uses.

(a) All light industrial uses shall be conducted within a completely enclosed building.

(a-1) All light industrial uses shall be conducted so as not to create any danger to the health, safety and welfare or any material adverse impact on the property or surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat or glare beyond the boundaries of the site.

(b) Retail and service uses shall be located within a single office or industrial building containing at least 50,000 square feet of floor area or within a group of buildings totaling 50,000 square feet; provided, that such retail and service facilities shall not occupy more than 20 percent of each building in which they are located.

(c) Except as provided by provisional use permit under section 24-50.19(c), light industrial uses shall not exceed 40 percent of the gross square footage of any building; retail and service uses combined shall not exceed 20 percent of the gross square footage of any building; and in any case, the combined retail, service, and light industrial uses shall not exceed 40 percent of the gross square footage of any building.

(d) In no case shall any use first permitted in the M-2 general industrial district be permitted in this district.

(Code 1980, § 22-50.18:1; Code 1995, § 24-50.18:1; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.19. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with section 24-122.1 of this Code:

(a) Helistop (landing facilities only, no servicing or fueling facilities).

(b) Radio, television, electric power or other transmission tower in excess of 50 feet in height. Said

height shall be measured from the base of the tower when freestanding or from the average grade elevation of another structure if placed on said structure.

(c) An office/service project or portion of a project with buildings containing a maximum gross square footage of 60 percent for light industrial uses and retail and service uses; provided, that the retail and service uses combined shall not exceed 20 percent of the building's gross square footage; and provided, that no building shall contain less than 40 percent office use; and provided, that said retail and service uses are developed in accordance with the requirements set out in section 24-50.18(e) and 24-50.18:1(b) above.

(d) Any use located outside an enclosed building when related to the principal use.

(Code 1980, § 22-50.19; Code 1995, § 24-50.19; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.20. - Conditional uses permitted by special exception.

(a) Buildings in excess of four stories (45 feet in height) but not exceeding eight stories (110 feet in height), except that buildings within 100 feet of an A or R district shall in no case exceed 40 feet in height.

(b) Freestanding structures containing an auditorium, lecture hall or recreation facilities, primarily for the use of employees who work in the project. For the purpose of computing overall project square footages, these structures will be considered office uses.

(Code 1980, § 22-50.20; Code 1995, § 24-50.20; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.21. - Accessory uses permitted.

(a) Coin-operated vending machines for food, tobacco, ice, soft drinks and sundries and automated teller machines inside a building and for the use of occupants.

(b) Cafeteria or snack bar primarily for the use of employees who work in the building where such facility is located, provided such facility has no exterior entrances or exits, except required emergency exits.

(c) Living accommodations, when located in a structure permitted as a principal use, for a resident manager, caretaker and/or security guard employed on the premises. There shall be no more than one such living accommodation unit per building.

(d) Accessory uses, not otherwise prohibited, customarily accessory and incidental to any permitted use.

(e) Signs as regulated in section 24-104.1.

(f) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-50.21; Code 1995, § 24-50.21; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.22. - Development standards.

The standards set out below shall be in addition to and not in lieu of the standards required elsewhere in this Code:

(a) *Street access.* The primary access to an office/service district shall be directly from either a major access road, major collector, major arterial or minor arterial roadway as designated on the county thoroughfare plan. Secondary access shall be permitted only from roadways designated on the thoroughfare plan.

(b) *Landscaping and buffering.* Landscaping, buffering and screening shall be provided in accordance with the requirements of section 24-106.2 and the following additional standards:

(1) *Project perimeter.* Buffering of the project boundaries, except for vehicular and pedestrian access areas and signs, is essential for the successful integration of the office/service district into appropriate areas within the county. Buffering required around the perimeter of the project shall be a transitional buffer 50 as defined in section 24-106.2 of this Code when adjoining any A or R district property. Project perimeters adjoining any other zoning classification, major or minor arterial roadways or interstate right-of-way shall be buffered by a transitional buffer 25 as defined in section 24-106.2. No buildings or parking shall be permitted within the required transitional buffers. Should it be necessary to pass drainage, utility or other easements through these areas, the transitional buffer area shall be increased by the square foot area of the easement.

(2) *Minimum required open space.* At least 20 percent of every site within the project shall be used for permanent open space. This area shall be used for landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the minimum project perimeter, minimum required landscaping along streets and parking lot landscaping may be counted toward this requirement.

(3) *Minimum required landscaping along street.* Notwithstanding the requirements of section 24-106.2, any lot which fronts on a public street shall have a landscaped area of at least 20 feet in width, measured from the proposed right-of-way line, along the entire street side(s) of the lot. No structure, parking or driveways shall be permitted within this area except for vehicular and pedestrian ingress and egress and permitted signs.

(4) *Parking lot landscaping.* Any parking lot containing more than 25 spaces must be landscaped with plantings and trees. The landscaped areas shall be equal to at least 162 square feet for every 20 parking spaces of portion thereof. The required landscaping shall be placed within the boundaries of the parking lot or be immediately adjacent thereto. This requirement is in addition to any landscaping requirements in the project perimeter, required open space or along the streets.

(c) *Public water and sewer.* Any development within this district shall be served by public water and sewer.

(d) *Utility lines underground.* All utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping.

(e) *Outside storage and refuse containers.* There shall be no outside storage of any equipment, vehicles, materials or supplies. Refuse containers shall be completely screened from view by means of an opaque fence or wall that is architecturally compatible with the building(s) on the site. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(f) *Exterior lighting.* Lights illuminating off-street parking or loading areas shall be arranged and installed so that no material glare or direct light shall spill over onto adjacent parcels. Lighting standards shall not exceed 20 feet in height and shall be of a directional type capable of shielding the

light source from direct view.

(g) *Loading areas.* Buildings or structures having loading areas shall be designed with an appropriate interior courtyard so that the loading operations are not visible from any of the project perimeters adjoining any A or R district and are shielded from the roadways within the project.

(h) *Architectural treatment.* The exterior wall surfaces (front, rear and sides) of each individual building shall be similar in architectural treatment and materials. All rooftop equipment shall be shielded so that it is screened from public view.

(i) *Parking.* Off-street parking for each use shall be provided in accordance with the provisions in section 24-96 of this Code.

(Code 1980, § 22-50.22; Code 1995, § 24-50.22; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.23. - Area, yard and height regulations.

(a) *Minimum lot area.* Each lot within the office/service district shall contain at least one acre.

(b) *Lot width.* Each site shall have a minimum lot width of 100 feet.

(c) *Front yard.* The front yard setback shall be a minimum of 40 feet from right-of-way lines or project drives.

(d) *Side yards.* The minimum side yards shall be 20 feet. The minimum side yard on the street side of a corner lot shall be 40 feet.

(e) *Rear yard.* The minimum rear yard setback shall be 40 feet.

(f) *Permitted variations in yard requirements.* The required minimum side or rear yards may be eliminated or reduced except when said yard adjoins a public street or private street, if the equivalent minimum yard area is provided elsewhere on the site in addition to all other minimum yard requirements.

(g) *Maximum height.* The maximum height of buildings shall be three stories or 45 feet, except that buildings up to eight stories (110 feet) may be permitted by special exception; but in no case shall any building or part of a building within 100 feet of an A or R district exceed 40 feet in height. The setback requirements for any building in excess of 45 feet in height shall be regulated by the standards for tall buildings contained in section 24-94.1 of this Code.

(Code 1980, § 22-50.23; Code 1995, § 24-50.23)

Sec. 24-50.24. - Plan of development required.

A plan of development as regulated by section 24-106 of this Code shall be submitted for each site within the office/service district. In order to ensure that the project is being developed in accordance with the requirements of this article, a conceptual master plan for the entire project shall be submitted with each plan of development.

(Code 1980, § 22-50.24; Code 1995, § 24-50.24; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.25. - Individual buildings in projects with previously issued provisional use permits.

In O/S projects for which a provisional use permit reducing the minimum required office use percentage was granted prior to August 13, 1997, individual buildings may contain up to 60 percent light industrial uses and retail and service uses without an additional provisional use permit if:

(a) The retail and service uses comply with sections 24-50.18(e) and 24-50.18:1; and

(b) Retail and service uses combined do not exceed 20 percent of the building's gross square footage; and

(c) The building contains at least 40 percent office use.

(Code 1995, § 24-50.25; Ord. No. 958, § 1, 8-13-1997)

Sec. 24-50.26. - Applicability.

All uses on property zoned O/S as of August 13, 1997, shall be deemed to be conforming with respect to the minimum required percentage office use and the maximum allowed percentage service use, and existing building(s) may be expanded for a similar ratio of use. New uses on property zoned O/S on August 13, 1997, vacant property zoned O/S on August 13, 1997, and all property rezoned O/S after August 13, 1997, shall be developed in accordance with the ordinance in effect at the time of development.

(Code 1995, § 24-50.26; Ord. No. 958, § 1, 8-13-1997)

ARTICLE XE. - OFFICE SERVICE 2 DISTRICT

Sec. 24-50.27. - Purpose of district.

The purpose of this district is to provide for the development of attractive and efficient office and industrial uses in combination with appropriate retail uses which are compatible with the office/service and light industry designations of the land use plan. All development within this district must occur within a distinct and planned campus-style environment under unified development and operational standards. Development and operational standards within this district emphasize high quality site design, landscaping, and architectural design. This district is intended to accommodate a mixture of uses, predominantly light industrial in nature. This district is best suited to accommodate high technology uses that are similar in function to light industrial uses, but closer in impact to office uses.

(Code 1995, § 24-50.27; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.28. - Minimum district area.

To be eligible for development, a project area must contain at least 10 acres. In calculating the minimum acreage of the project area, land zoned C-1 conservation district may be included, but existing dedicated streets and proposed public rights-of-way may not be included.

(Code 1995, § 24-50.28; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.29. - Covenants required.

Prior to building permit approval, the developer shall record covenants requiring each site to be under the supervision or control of a unified, central authority for the life of the project. The covenants shall be submitted to the planning office for review and approval as to form and substance by the county attorney prior to any formal approval for development within the project. The covenants shall, at a minimum, provide for the creation of a property owners' association; provide for maintenance of individual sites, common areas, open spaces, landscaping and buffering and private streets; and provide for minimum development and operational standards for each site.

(Code 1995, § 24-50.29; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.30. - Principal uses permitted.

[The following are principal permitted uses:]

(a) Principal uses permitted in the O-3 district;

(b) Schools, colleges, universities, conference centers, and training facilities;

(c) Distribution businesses;

(d) Retail (as described in the B-2 district and as regulated in section 24-50.33 of this Code) including, but not limited to, uses such as barbershops, beauty parlors, dining rooms, exercise rooms, newsstands, restaurants, cocktail lounges, cafeterias, valet service, automobile rental office, travel agency, retail stores for wearing apparel, jewelry, sporting goods, books, records, photographic equipment, gifts, art objects, stationery and office supplies, luggage, flowers, house plants, food, beverages, packaged fruits, tobacco, drugs, sundries, showroom, sales and service areas. Retail uses within an O/S-2 project shall be designed to serve principally employees and employers of the O/S-2 project area;

(e) Laboratories, research, development, testing, medical or dental, excluding testing of explosives;

(f) Wholesaling;

(g) Warehousing (excluding miniwarehouses and self-service storage);

(h) Testing and repair;

(i) Light manufacturing, compounding or assembly uses that do not require outdoor operations;

(j) Data processing center; and

(k) Medical or dental clinics.

(Code 1995, § 24-50.30; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.31. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with section 24-122.1 of this Code:

(a) Helistop (landing facilities only, no servicing or fueling facilities).

(b) Storage, assembly, or other industrial or retail uses conducted outside enclosed buildings when related to the principal use.

(c) Buildings up to eight stories (110 feet) when located at least 100 feet from any A or R district.

(Code 1995, § 24-50.31; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.32. - Accessory uses permitted.

[The following are accessory permitted uses:]

(a) Accessory uses permitted and as regulated in the O-3 district.

(b) Accessory uses customarily accessory and incidental to any permitted use, unless otherwise prohibited.

(c) Signs as regulated in section 24-104.1.

(d) Freestanding structures containing an auditorium, lecture hall or recreation facilities, primarily for the use of employees who work in the project.

(e) Parking of commercial vehicles associated with principal or provisional uses, subject to section 24-50.33(h).

(Code 1995, § 24-50.32; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.33. - Development standards and use restrictions.

The development standards set out below shall supplement requirements found elsewhere in this Code. If the provisions of this section conflict with other requirements of the County Code, the more

restrictive shall apply:

(a) *Access.* Access points shall be located and designed to minimize traffic hazards and congestion in accordance with accepted principles of good planning, traffic engineering and established county policy.

(b) *Landscaping and buffering.* Landscaping, buffering and screening shall be provided in accordance with the requirements of section 24-106.2 and the following additional standards:

(1) *Project perimeter buffer and minimum required landscaping along street.* Project perimeters adjoining major or minor arterial streets or interstate rights-of-way shall be buffered by a transitional buffer 25 as defined in section 24-106.2. Any lot which fronts on a public street shall have a landscaped area at least 20 feet in width, measured from the ultimate proposed right-of-way line, along the entire street side(s) of the lot.

(2) *Encroachment on buffers.* Should drainage, utility or other easements be located in the project perimeter buffer or any other transitional buffer, such buffer area shall be increased by the area of the easement. Structures, parking, and driveways shall not be permitted within this area except for vehicular and pedestrian ingress and egress and permitted signs.

(3) *Minimum required open space.* At least 20 percent of every site within the project shall be used for permanent open space. The open space area shall be used for landscaping, lawns, screening and/or buffer areas and may include bodies of water, works of art and outdoor recreation areas. The area devoted to the transitional buffer, minimum required landscaping along streets, and parking lot landscaping may be counted toward this requirement, and must be shown on the plan of development.

(c) *Public water and sewer.* All development within the district shall be served by public water and sewer.

(d) *Utility lines underground.* All utility lines, such as electric, telephone, or cable television lines, shall be installed underground. This requirement applies to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping.

(e) *Exterior lighting.* Lights illuminating off-street parking or loading areas shall be arranged and installed so that neither material glare nor direct light shall spill over onto adjacent properties. Lighting standards shall not exceed 20 feet in height and shall be of a directional type capable of shielding the light source from direct view.

(f) *Loading areas.* Buildings or structures having loading areas shall be designed so that loading operations are not visible from any of the project perimeters adjoining any A or R district, and are screened from adjacent public streets, or from the roadways within the project, subject to the following standards:

(1) When adjacent to an A or R district, loading areas must be concealed within an interior courtyard formed by permanent masonry structures, such as the building that the loading area serves or a wing wall. An existing building on the same site within the same project may comprise a side of the courtyard if it meets the other criteria of this paragraph (f).

(2) When adjacent to a public street or other roadways within the project, loading areas may be screened by other methods such as a berm, permanent masonry structure, and/or evergreen plant materials.

(g) *Architectural treatment.* The exterior wall surfaces (front, rear and sides) of each individual building, including wing walls, and screening structures, excluding fences and walls erected along the project perimeter, shall be similar in architectural treatment and materials.

(h) *Parking.* Fleet parking is permitted only where the vehicles are screened from view from any A or

R district.

(i) *Outdoor use restriction and refuse containers.* All uses shall be conducted within a completely enclosed building, except as allowed by provisional use permit under section 24-50.31. There shall be no outside storage of any equipment, materials, or supplies. Refuse containers shall be completely screened from view by means of an opaque fence or wall constructed with materials similar to those of the principal building. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(j) *Impact restriction.* All uses shall be conducted so as not to impose any danger to the health, safety and welfare or any material adverse impact on surrounding areas by creating any excessive noise, vibration, smoke, dust, lint, odor, heat, or glare beyond the boundaries of the site.

(k) *Limitation on retail uses.* Retail uses, if any, shall be located within a building containing at least 10,000 square feet of floor area; provided, that such retail uses shall not occupy more than 20 percent of each building in which they are located.

(l) *Outside speakers.* There shall be no outside speakers, although an intercom system in conjunction with a drive-through window is allowed as long as it is not audible at the property line.

(Code 1995, § 24-50.33; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.34. - Area, yard and height regulations.

(a) *Minimum lot area.* Each lot within the office/service district shall contain at least one acre.

(b) *Lot width.* Each lot shall have a minimum width of 100 feet.

(c) *Front yard.* The front yard setback shall be a minimum of 40 feet from the ultimate planned right-of-way lines or project roadways.

(d) *Side yards.* The minimum side yards shall be 20 feet. The minimum side yard on the street side of a corner lot shall be 40 feet.

(e) *Rear yard.* The minimum rear yard setback shall be 40 feet.

(f) *Permitted variations in yard requirements.* The required minimum side or rear yards may be eliminated or reduced except when said yard adjoins a public street or private street or any A or R district, if the equivalent minimum yard area is provided elsewhere on the site in addition to all other minimum yard requirements.

(g) *Maximum height.* The maximum height of buildings shall be three stories or 45 feet, except that buildings up to eight stories (110 feet) may be permitted by provisional use permit; but in no case shall any building or part of a building within 100 feet of an A or R district exceed 40 feet in height. The setback requirements for any building in excess of 45 feet in height shall be regulated by the standards for tall buildings contained in section 24-94.1 of this Code.

(Code 1995, § 24-50.34; Ord. No. 980, § 1, 9-23-1998)

Sec. 24-50.35. - Plan of development required.

A plan of development shall be submitted for each site within the project. In order to ensure that the project is being developed in accordance with the requirements of this article, a conceptual master plan for the entire project shall be submitted with each plan of development.

(Code 1995, § 24-50.35; Ord. No. 980, § 1, 9-23-1998)

ARTICLE XI. - A-1 AGRICULTURAL DISTRICT; USES

Sec. 24-51. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any principal use permitted and as regulated in the R-0 district.

(b) Forestry, including temporary sawmills used only for the sawing of timber cut from the immediate premises; provided, that sawmills shall observe the distance requirements of section 24-10.

(c) Summerhouses, cabins or camps for seasonal (not permanent or yearround) occupancy only, and which buildings need not abut on a street.

(d) Farming, dairy farming, commercial hog farms, livestock, rabbit and poultry raising and all uses commonly classed as agricultural with no restrictions as to the operation of such vehicles or machinery or buildings as are incident to such uses and with no restrictions as to the sale or marketing of produce raised on the premises; except that no hogs, livestock, rabbits, poultry or other animals shall be permitted to run at large, and any buildings or yards to enclose and feed them shall observe the distance requirements of section 24-10.

(e) Antique shops.

(f) County-owned sanitary landfill operations having a lot area not less than 50 acres.

(g) Assisted living facilities and group homes, when located in a one-family dwelling as permitted by this section and as regulated by this chapter.

(h) Manufactured homes for single-family use, placed on a permanent foundation, located on individual lots, enclosed with skirting as required by Code of Virginia, § 36-99.8, as amended, and subject to all other zoning requirements and development standards applicable to all single-family dwellings in this zoning district.

(i) Farm winery, limited brewery, or limited distillery.

(Code 1980, § 22-51; Code 1995, § 24-51; Ord. No. 907, 8-9-1995)

Sec. 24-51.1. - Provisional uses permitted.

(a) Clubs, fraternities, lodges or similar meeting places of nonprofit organizations in accordance with section 24-122.1.

(b) Marina activities, such as docking and launching of boats; rental of slips, both open and covered, for the storage of boats; rental space for dry storage of boats and trailers; sale of fuel, supplies and services for boating use; and outdoor marine recreation, such as bathing beaches and fishing areas.

Boat service and repair and the sale of new and used boats may also be permitted as provisional uses under specified conditions if the sale, service and repair activities are incidental to permitted marina activities.

Marina facilities shall comply with the following criteria and any other conditions imposed in accordance with section 24-121 of this Code:

1. There shall be a minimum of ten acres of land and 300 feet of water frontage;

2. Minimum distances shall be at least three times the distance requirements of section 24-10 of this Code except for septic drainfields, drainage facilities for water quality or similar features;

3. The use permit may specify greater minimum distances for facilities engaged in boat service and repair and the sale of new and used boats;

4. There shall be direct access to a public road adequate to handle the traffic generated by the facilities; and

5. A plan of development must be approved for the site.

(c) A bed and breakfast home. Bed and breakfast homes shall comply with the following criteria and any other conditions imposed in accordance with section 24-122.1 of this Code:

(1) Each application for a bed and breakfast home shall include an operations and site plan showing

the location and design of structures and features of the site, number of employees and other details, and how the bed and breakfast home will comply with the requirements of this section.

(2) The bed and breakfast home shall have no more than three guestrooms, unless the board finds that the additional rooms will not detrimentally impact the surrounding neighborhood.

(3) The owner shall reside in and operate the bed and breakfast home.

(4) The exterior of the building shall not be altered from its single-family character.

(5) The home shall have at least 2,500 square feet of livable floor area for the first three guestrooms and 300 square feet of additional livable floor area for each guestroom thereafter.

(6) Parking areas shall be located and designed to complement the residential character of the lot and to minimize potential impacts on adjacent properties. Notwithstanding the regulations set out in section 24-98, the board may permit parking areas to remain unpaved.

(7) There must be at least one bathroom available for the exclusive use of paying guests.

(d) A stage tower or scenery loft taller than the maximum height permitted in section 24-94.

(e) Gated subdivision. When the roads in a subdivision have not been accepted into the county road system for maintenance, serve only, or are primarily for, the general welfare of the residents of the subdivision, and do not serve as a connector to other public roads, the owners of two-thirds of the subdivision lots, including the subdivider, if he has an interest in the subdivision, may file a petition with the board of supervisors requesting that they be allowed to restrict ingress and egress to the subdivision. The board of supervisors may permit the restriction subject to the following conditions:

(1) The restriction may be abolished at any time in the sole discretion of the board of supervisors;

(2) The restriction shall not be asserted in opposition to the public ownership of streets dedicated to the public;

(3) The streets shall not be blocked to ingress and egress of government or public service company vehicles;

(4) Necessary maintenance of the streets will be paid for by the owners of the individual lots;

(5) Such other conditions which are imposed by the board of supervisors, including written guidelines and standards established by the director of planning and the director of public works.

(f) For any lot or parcel created after January 1, 1960, the maximum building height shall be 40 feet. For any lot or parcel created prior to January 1, 1960, the maximum building height shall be 35 feet by right and 40 feet if approved by provisional use permit.

(Code 1980, § 22-51.1; Code 1995, § 24-51.1; Ord. No. 903, § 1, 7-12-1995; Ord. No. 957, § 4, 8-13-1997; Ord. No. 1061, § 2, 11-25-2003; Ord. No. 1063, § 2, 3-9-2004; Ord. No. 1111, § 9, 8-14-2007)

Sec. 24-52. - Conditional uses permitted by special exception.

(a) Any conditional use permitted and as regulated in the R-0 district. However, a conditional use permit shall only be required for a noncommercial kennel where the kennel structure or fenced areas for confinement of animals do not comply with setbacks equal to those specified for stables in section 24-10(b).

(b) Gun clubs, shooting ranges or traps of a noncommercial nature subject to three times the distance requirements of section 24-10 and subject also to being at least 1,200 feet from any public road.

(c) Kennels and/or veterinary clinics for the breeding, raising, boarding of dogs or other animals, providing that all buildings and runways shall comply with the distance requirements of section 24-10, and providing that if large animals are to be bred, raised, boarded or treated, all necessary facilities shall be located on a tract of land of not less than ten acres.

(d) Sand, gravel or clay pits, quarries, mines and other extractive operations including topsoil removal; provided:

(1) The excavations are at least 100 feet from any R district, and are accessible from a general traffic

thoroughfare without traversing any local residential street in an R district.

(2) The special requirements in section 24-103 shall be complied with, in addition to any others ordered by the board in accordance with section 24-116(c).

(e) Hospitals, sanitoriums, rest homes, charitable institutions for human care and charitable institutions for the care of contagious diseases or for drug, or liquor, or mental patients; provided, that any such establishment shall have a minimum lot area of eight acres and shall be sufficiently isolated from residential areas as to safeguard their health, safety and welfare.

(f) Airports, provided that they shall comply with three times the distance requirements of section 24-10, and that the approaches to landing strips shall not be over any R district, or any school, place of worship, or other institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. An airport in the A-1 district may include any buildings, structures or service facilities that are necessary, customary and accessory to the operation of the airport, such as hangars, terminal buildings, restaurants, parking areas, fuel or parts storage and sales and the like, but not the manufacturing, major repairing or testing of aircraft, except that the flight testing of aircraft may be permitted by the board of supervisors after a public hearing of which at least ten days' public notice shall be given by publication in a newspaper having general circulation in the county.

(g) Fairgrounds, but only as generally set forth in the application for POD 74-00 (other than the proposed Youth and Convocation Center) filed on July 13, 2000; racetracks or grounds for the racing or showing of horses; and riding stables or academies; provided, that all such uses shall comply with three times the distance requirements of section 24-10.

(h) Cemeteries and graveyards, including such accessory uses as mausoleums and crematories; provided, that any new cemetery shall have an area of at least 20 acres, all graves shall be located at least 50 feet from adjacent property lines and 250 feet from any dwelling or well on adjacent property, and any mausoleum or crematory shall observe twice the distance requirements of section 24-10; except that cemeteries and graveyards accessory to places of worship shall not be restricted in area. Existing cemeteries and graveyards shall be subject to the foregoing distance requirements except where existing graves are located or lots sold closer to property lines than the specified distances, in which case such lots may be used, and other graves may be located as close as the closest existing grave.

(h1) Cemeteries for pets, including all accessory uses, such as, but not limited to, mausoleums and crematories in accordance with the following:

(1) Any cemetery shall have an area of at least five acres.

(2) All graves, mausoleums, crematories or other accessory uses shall have the minimum front yard depth required by section 24-95(g) of this chapter and shall be located at least 25 feet from any other adjacent property line and 100 feet from any well on adjacent property.

(3) No cemetery shall be established within 250 feet of any dwelling at its nearest point thereto.

(4) Any cemetery shall be operated, maintained and a perpetual care fund established as required by the provisions set forth in Code of Virginia, title 57, ch. 3, art. 3.2, as amended, pertaining to cemeteries for human interment.

(i) Reserved.

(j) Par-three or "pitch and putt" golf courses, including golf driving ranges and miniature golf courses when operated in conjunction with par-three or "pitch and putt" golf course. Such establishments shall have a minimum of 12 acres of land area and a length of 900 yards for a nine-hole course or a minimum of 22 acres of land and a length of 1,800 yards for an 18-hole course, and shall comply with at least twice the distance requirements of section 24-10, except that such distances may be reduced by the board when their findings under section 24-116(c) indicate that, because of exceptional circumstances, persons residing or working in the neighborhood will not be adversely affected. Any lighting of the course shall be arranged so as to direct the light and glare away from the property in the neighborhood.

(k) Commercial golf courses, but not including any use first permitted in section 24-62.2(f). Such establishments shall have a minimum of 100 acres of land area and a length of 6,000 yards for an 18-hole course and shall comply with the distance requirements of section 24-10, except that such distances may be reduced by the board when their findings under section 24-116(c) indicate that because of exceptional circumstances, persons residing or working in the neighborhood will not be adversely affected. Any lighting of the course shall be arranged so as to direct the light and glare away from property in the neighborhood.

(l) Sand and gravel, washing and grading plant for the processing of materials extracted only from the premises on which the plant is located; when located at least 600 feet from any R district; the plant site shall not exceed five acres in area; the special requirements in section 24-103 shall be complied with, in addition to any others ordered by the board in accordance with section 24-116(c).

(m) Private kennels, for the keeping of animals by the occupant of the property, of a noncommercial nature.

(n) Campgrounds containing not less than ten acres developed for camping units to be used for temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel. Camping sites shall not be occupied for more than 14 days. All campgrounds to be subject to the approval of the state health commissioner, through the county health department, under "Rules and Regulations of the Board of Health Governing Campgrounds" adopted June 2, 1971.

(Code 1980, § 22-52; Code 1995, § 24-52; Ord. No. 903, § 2, 7-12-1995; Ord. No. 1002, § 1, 8-8-2000; Ord. No. 1016, § 2, 8-14-2001)

Sec. 24-53. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the R-0 district.

(b) Facilities for the selling of bait and the selling or leasing of boats and fishing equipment, docks, dressing rooms, restaurants, refreshment stands and other accessory uses customarily accessory and incidental to commercial outdoor marine recreation areas.

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

(d) Signs as regulated in section 24-104.1.

(e) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(f) Noncommercial kennels for the keeping of animals by the occupant of the property where the kennel structure and all fenced areas for the confinement of animals comply with setbacks equal to those specified for stables in section 24-10(b).

(g) One temporary family health care structure on property owned or occupied by a caregiver as his residence in accordance with section 24-100.1.
State law reference: Code of Virginia §15.2-2292.1
(Code 1980, § 22-53; Code 1995, § 24-53; Ord. No. 1016, § 3, 8-14-2001)

Sec. 24-53.1. - Development standards and conditions for permitted uses.

Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE XII. - B-1 BUSINESS DISTRICT

Sec. 24-54. - Purpose of district.

This district is primarily for low-intensity retail and personal service uses developed either as a coordinated unit or on individual parcels, serving the needs of a relatively small area, primarily nearby, residential neighborhoods. In order to enhance the general character of the district, its function of neighborhood service and its compatibility with residential surroundings, the building height and size of certain uses and the permitted hours of operation are all limited.

(Code 1980, § 22-54; Code 1995, § 24-54)

Sec. 24-54.1. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any principal use permitted and as regulated in the R-6 district except for dwellings as herein provided and the minimum lot area and lot width for a place of worship may be reduced in accordance with the B-1 district regulations. The permitted height of buildings or structures shall be subject to the B-1 district requirements unless otherwise provided for by this chapter.
(b) Antique shops for the sale of bona fide antiques, except that no indoor or outdoor auctions are permitted.
(c) Reserved.
(d) Banks, savings and loan, small loan offices and similar financial institutions. Adequate space shall be provided off the street for all vehicles waiting for drive-in service.
(e) Bakeries, provided that all products produced on the premises shall be sold at retail on the premises.
(f) Barbershops and beauty parlors.
(g) Bicycle sales and repair shops.
(h) Child care centers, baby sitting services and adult day care centers.
(i) Clinics and laboratories: Medical, dental and optical. No one building shall contain more than 15,000 square feet of floor area.
(j) Florist and flower shop.
(k) Funeral home, mortuary and/or undertaking establishment, provided that vehicular access to the premises shall be from a major or minor arterial designated on the county major thoroughfare plan. Adequate stacking space shall be provided on the premises for the formation of funeral processions. No such activity shall take place on public streets or rights-of-way.
(l) Grocery or convenience food store, provided that no individual store shall exceed 30,000 square feet of floor area except within an approved shopping center.

(m) Hospital or clinic for small animals, dogs, cats, birds and the like. All treatment rooms, cages, pens or kennels shall be within a completely enclosed, soundproof building, and such hospital or clinic shall be operated in such a way so as not to produce any objectionable noise or odors or vermin outside its walls. Site plans shall be reviewed and approved by the planning commission in accordance with section 24-106 of this chapter.

(n) Laundromats and self-service dry-cleaning establishments. Also, laundry or cleaning and pressing establishments, retail, employing not more than three persons in the actual cleaning process. Such establishments shall use nonflammable cleaning solvents, fully enclosed cleaning and solvent reclamation processes, fully enclosed pressing equipment with no outside steam exhaust and such other devices or arrangements as may be required to fully protect adjacent properties from noise, odors and vapors.

(o) Office and office building, business, professional and administrative. No one office building shall contain more than 15,000 square feet of floor area, unless approved in accordance with section 24-55 of this chapter.

(p) Packaging store and mailing service when located in an approved shopping center.

(q) Parking lots, commercial. Such use shall not be construed to permit any automobile, truck, motorcycle, boat, recreational vehicle sales, rental or storage lot.

(r) Pet shop, dog beauty parlor and obedience school. All work rooms, cages, pens or kennels shall be maintained within a completely enclosed, soundproof building and such shop, parlor or school shall be operated in such a way as to produce no objectionable noise, odors or vermin outside its walls.

(s) Private club, lodge, meeting hall and fraternal organization.

(t) Restaurant, delicatessen or ice cream parlor, but not restaurants or establishments which primarily provide outside delivery of packaged goods to patrons. No outside dining areas shall be provided.

(u) Shopping centers, neighborhood. A neighborhood center shall contain a lot of at least two but not more than ten acres and shall consist of a coordinated group of two or more indoor retail and service establishments with common parking, access and service areas in accordance with section 24-101 of this chapter. Shopping center site plans shall be reviewed and approved by the planning commission in accordance with section 24-106 of this chapter.

(v) Stores or shops for the conduct of retail sales including sale of art and art supplies, auto parts and accessories (but no service and/or installation), beverages (but not including brewing, distilling, or manufacturing alcoholic beverages), books, carpets, clothing, computers and software, draperies, drugs, fabrics, furniture and appliances, garden supplies, gifts, glass sales and service excluding auto or truck repairs, handcrafts, hardware or locksmiths, hobby supplies, jewelry, office supplies and stationery, paint, picture framing, wallpaper, shoes and shoe repair, sporting goods, televisions, video recorders, stereos, radios, microwaves, sales, service and small appliance repair, video store, variety store and stores and shops similar to the preceding. No individual shop or store shall occupy more than 10,000 square feet of floor area except when located within an approved shopping center.

(w) Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians with floor area not exceeding 3,000 square feet unless located in an approved shopping center.

(x) Temporary outdoor stand and/or sales area for the retail sale of Christmas trees, wreaths, holly and similar decorative horticultural materials subject to the requirements and development standards of subsection (n) of section 24-57.

(y) Training classes, dance, martial arts instruction and health clubs.

(z) Other retail and service uses which are of the same general character as those listed above as permitted uses. Such additional uses may be permitted by the director of planning pursuant to section 24-109 of this chapter, provided that they shall be only retail and service establishments primarily

selling new merchandise (except antiques) and/or rendering a personal service. Such additional uses may be permitted only in accordance with development standards as herein provided.

(Code 1980, § 22-54.1; Code 1995, § 24-54.1)

Sec. 24-55. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter. Such uses shall be permitted only subsequent to site plan review and approval by the planning commission in accordance with section 24-106 and the development standards as herein provided:

(a) Automotive filling and service stations as regulated in the B-2 business district.

(b) Grocery or food store in excess of 30,000 square feet of floor area when located outside an approved shopping center.

(c) Office buildings in excess of 15,000 square feet of floor area.

(d) Any principal or conditional use permitted and as regulated in the O-3 district.

(e) Greenhouses accessory to a florist or flower shop.

(f) A recycling collection facility, pursuant to a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(g) Accessory dwellings. Up to four dwelling units, located on a floor or floors above a retail or office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and

bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(h) Service to the public between 4:00 a.m. and 6:00 a.m.

(Code 1980, § 22-55; Code 1995, § 24-55; Ord. No. 1029, § 4, 6-11-2002)

Sec. 24-56. - Conditional uses permitted by special exception.

The following uses may be permitted as special exceptions in accordance with the procedures, guides and standards of subsection (c) of section 24-116 and/or sections 24-2 and 24-106 of this chapter:

(a) Any conditional use permitted and as regulated in the R-6 district.

(b) Outside display of merchandise for any of the retail or service uses permitted in section 24-54.1 when located in a shopping center, provided that:

(1) The specific location and arrangement will not adversely affect adjacent property.

(2) The exterior display area shall be a permanent structure, capable of being secured from entry, and shall be an integral part of the architectural design of the building. A chainlink or similar fence shall not be considered to be a permanent structure for the purpose of outside display.

(3) The exterior display area must be immediately adjoining the front or side of the building and extending not more than ten feet from it and be constructed in such a way that there shall be at least five feet of sidewalk for pedestrian movement adjacent to and outside of the display area.

(4) Outside storage of merchandise or stock shall not be permitted under this subsection.

(c) Automotive filling stations consisting of an attendant sales office and/or convenience food or grocery store or any permitted use with fuel pumps. Bulk storage of fuel shall be underground and there shall be no exterior display of merchandise and no facilities for automotive service, maintenance or washing. Lighting fixture shall not exceed a height greater than 20 feet. No temporary storage of wrecked or inoperative vehicles or storage or rental of vehicles, trailers, campers, vans or similar equipment shall be permitted. Site plans shall be reviewed and approved by the planning commission in accordance with section 24-106 of this chapter.

(Code 1980, § 22-56; Code 1995, § 24-56)

Sec. 24-56.1. - Accessory uses permitted.

(a) Any accessory use permitted and as regulated in the O-3 district and the R-6 district except as provided herein and in subsection (i) of section 24-95 of this chapter.

(b) A dwelling unit within an office or business building for occupancy by the proprietor or an employee of an establishment within such office or business building.

(c) Signs as regulated in section 24-104.1.

(d) Storage of office supplies and merchandise for retail sale, provided such items are normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(e) Not more than two electronic amusement games and billiard, pool or bagatelle tables operated incidental to the principal business use shall be permitted in any single business establishment.

(f) Vending machines for food, beverage and similar merchandise. Not more than two such machines may

be permitted on the premises outside of an enclosed building.

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

(h) Attached automatic teller machine and depository at a bank or savings and loan building with no restriction as to hours of operation.

(i) Newspaper boxes, public telephone stations and similar uses.

(j) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in sections 24-96 and 24-101.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(k) A recycling collection facility as an accessory to a permitted retail operation when situated inside an enclosed building.

(Code 1980, § 22-56.1; Code 1995, § 24-56.1)

Sec. 24-57. - Development standards and conditions for permitted uses.

(a) *Purpose.* In order to encourage compatibility with adjacent and nearby properties and to enhance harmonious relationships with surrounding properties, whether developed or undeveloped, the building or buildings and site shall be designed to:

(1) Employ such development techniques as may be appropriate to a particular case in order to fulfill the purposes of this chapter and the goals, objectives and policies of the comprehensive plan; and

(2) Include design considerations which may address matters such as location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location and number of vehicular access points, size and location of signs, open spaces and parking areas, grading, landscaping, screening and servicing.

(b) *Lot area and width unless otherwise provided by this chapter.*

(1) For permitted uses in the one-family residence districts, other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.

(2) For permitted and accessory uses there are no minimum lot area and width requirements except as may be required by the health department to meet sanitary standards.

(c) *Minimum yard depths.* Minimum yards shall be provided in accordance with section 24-94 and any applicable requirement of sections 24-95 and 24-101 of this chapter, except that any building, structure or use not classified as a shopping center, when located directly across a street from any R district, shall be set back 50 feet from any street right-of-way of less than 80 feet in width. Notwithstanding any other provisions of this chapter, on corner or double frontage lots the minimum front yard depth required for the district shall be observed from any street right-of-way line.

(d) *General height and bulk standards.* See sections 24-93, 24-94 and 24-95 of this chapter.

(e) *Off-street parking and loading.* Off-street parking and loading design standards and space requirements

for particular uses are contained in sections 24-96, 24-97 and 24-98 of this chapter.

(f) *No exterior display or storage.* Display and storage for permitted uses, stores, shops, offices or businesses (except parking lots) shall be wholly within a completely enclosed building as herein provided.

(g) *Reserved.*

(h) *Reserved.*

(i) *Refuse containers.* Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be located as far from adjacent R districts as practicable. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(j) *Drainage.* Provision shall be made for appropriate stormwater management and drainage. Water from buildings, parking and loading areas shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Plans shall be prepared in accordance with design criteria established by the county engineer and any governmental body having jurisdiction with respect thereto and approved prior to beginning any construction.

(k) *Lighting.* Site and exterior lighting, if provided, shall be directed away from adjoining R districts and streets. Lighting shall be of such design and type as to minimize the impact of the lights on adjacent property in accordance with approved lighting plans approved by the planning office or, if required, by the planning commission prior to the issuance of an occupancy permit.

(l) *Hours of service.* Unless otherwise provided for by this chapter, no business permitted in this district shall begin service to the public or any outside activity before 6:00 a.m. nor extend any outside activity or hours of service after 12:00 midnight.

(m) *Services and production of goods.* Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters or water-carried waste. Goods may be produced for retail sale on the premises (but not including brewing, distilling, or manufacturing alcoholic beverages); provided, that not more than five persons are engaged in such production. The number of persons employed in production does not include any persons engaged in the sale of products or deliveries.

(n) *Temporary outdoor Christmas tree sales.*

(1) Sales shall not begin before November 15 and shall be restricted only 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 on site 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 depths (setbacks) required for the district.

(4) Sufficient area of not less than 1,900 square feet shall be set aside on site to provide a minimum of five temporary off-street parking spaces. If the sales area is located on the same lot with an existing use, the required minimum and most convenient parking space for the existing use shall not be used for Christmas tree sales.

(5) Signs shall only be permitted in accordance with section 24-104.1 of this chapter.

(6) Any structure erected thereon, vehicle parked, signs, trash, debris and the like shall be removed no later than January 15.

(Code 1980, § 22-57; Code 1995, § 24-57)

ARTICLE XIII. - B-2 BUSINESS DISTRICT

Sec. 24-58. - Purpose of district.

This district is to provide commercial and community shopping, recreational and service activities generally serving a community of several neighborhoods and appropriately located on major collector or arterial roadways. Uses and activities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factors of dust, odor and noise associated with manufacturing are not intended to be located within such areas.

(Code 1980, § 22-58; Code 1995, § 24-58)

Sec. 24-58.1. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any use permitted and as regulated in the R-6 district except dwellings as herein provided and any principal use permitted and as regulated in the O-3 district except the permitted height of buildings or structures shall be subject to the B-2 district requirements unless otherwise provided for by this chapter.

(b) Any use permitted in the B-1 business district but subject to the development standards for the B-2 district, with no limit on floor area unless otherwise provided for in this section.

(c) Automotive filling and service stations including towing service and consisting of an attendant sales office and/or convenience food store or similar use with fuel pumps. A maximum of two service bays shall be permitted for lubrication, minor repair, maintenance and inspection of vehicles not exceeding 10,000 pounds gross weight. All operations shall be performed within one completely enclosed building on the site. Bulk storage of fuel shall be underground and there shall be no exterior display of merchandise except on pump islands and on paved walkway areas within three feet of the building. Lighting fixtures shall not exceed 20 feet in height. There shall be no temporary storage of wrecked or inoperative vehicles or rental of vehicles, trailers, campers, vans or similar equipment. The planning commission shall review and approve site plans in accordance with section 24-106.

(d) Catering establishments and meal delivery services.

(e) Department stores.

(f) Drapery making and furniture upholstering shops. No such establishment shall exceed a floor area of 3,000 square feet.

(g) Flea markets and antique auctions, indoors.

(h) Furniture, television and appliance sales, service and repair including service and repair of any type of home appliance.

(i) Garage, parking or storage.

(j) Garden center, with sale or display of merchandise, indoor or outdoor in approved locations.

(k) Gun shop, sales and repair.

(l) Hotels, motels, and motor lodges with no restriction as to hours of operation.

(m) Lawnmower, yard and garden equipment, rental, sales and services, when located within a completely enclosed, air conditioned and soundproof building.

(n) Nurseries for growing plants, trees and shrubs, including sale, display and storage of garden supplies and equipment, indoor or outdoor in approved locations.

(o) Office and office buildings; business, professional and administrative.

(p) Packaging and mailing service.

(q) Printing, publishing and engraving, blueprinting, photocopying and similar uses. No such establishment shall exceed a floor area of 5,000 square feet.

(r) Radio and television stations and studios or recording studios with no limit as to hours of

operation.

(s) Recreation facilities, indoor, including theaters, bowling alleys, skating rinks (ice skating and roller skating), swimming pools, tennis, model racing tracks, electronic video game rooms, bingo halls, archery ranges and similar activities.

(t) Restaurants (with dancing), take out and meal delivery service, delicatessens, ice cream parlors, or microbreweries.

(u) Shopping centers, community. A community center shall contain in the aggregate not more than 40 acres, and shall consist of a coordinated group of two or more retail and service establishments, indoor and outdoor, with common parking, access and service areas in accordance with section 24-101 of this chapter. Shopping center site plans shall be approved by the planning commission in accordance with section 24-106 of this chapter. Outside display of merchandise is permitted as regulated in the B-1 district.

(v) Sign printing and painting shop, excluding fabrication.

(w) Specialty store or shop for the conduct of a retail business, with no limit on floor area, except as provided herein.

(x) Other retail, recreational and service uses which are of the same general character as those listed above as permitted uses. Such additional uses may be permitted by the director of planning pursuant to section 24-109 of this chapter; provided, that they shall be only retail and service establishments primarily selling new merchandise (except antiques) and/or rendering a personal service. Such additional uses may be permitted only in accordance with the development standards as herein provided.

(y) Permanent on-site recycling collection facility subject to section 24-106.

(Code 1980, § 22-58.1; Code 1995, § 24-58.1; Ord. No. 957, § 5, 8-13-1997)

Sec. 24-58.2. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter:

(a) Hours of service to the general public up to 24 hours per day, except as otherwise provided in this section.

(b) Self-service storage facility, subject to the following requirements:

(1) *Access.* The facility shall have access to at least a minor arterial roadway as designated on the county thoroughfare plan.

(2) *Size.*

a. The site area shall not exceed three acres.

b. The minimum gross floor area of the building or buildings shall not contain less than 50,000 square feet of rentable space.

c. The structure or structures shall not exceed 30 feet in height or two stories whichever is lesser.

(3) *Lot coverage.* The lot coverage of the structure or structures shall be limited to 60 percent of the total area.

(4) *Access to structure.* Access to the rental spaces shall be from within the premises with not more than four exterior loading doors/ramps.

(5) *Parking.* Parking is required as follows:

a. One space for each 40 storage cubicles, equally distributed among the entrance(s) to the structure.

b. A minimum of three spaces located at the project office for the use of prospective clients.

c. Two spaces for manager's quarters.

(6) Storage.

a. All storage on the property shall be kept within the enclosed building and no commercial sales or uses shall be conducted on site.

b. No perishable or hazardous goods, including highly flammable products, shall be placed in the storage spaces by lessees.

(7) *Aesthetics.* The exterior areas of the self-service facility shall be of finished quality and maintained so as not to be offensive from view from adjacent property or abutting streets.

(8) *Hours of service.* The hours of service to the general public or any outside activity, shall not begin before 6:00 a.m. nor extend after 10:00 p.m.

(c) Auto parts sales, service and/or installation when within a completely enclosed, air conditioned building not exceeding 15,000 square feet of floor area and in accordance with the development standards as herein provided.

(d) Outside dining areas for restaurants, provided the location and arrangement will not adversely affect adjacent property or uses.

(e) Billiard parlors with hours of service to the general public from 1:00 p.m. on Sunday and 6:00 a.m. on other days until midnight, unless extended hours of operation are specifically authorized by the board of supervisors as a condition of the permit approval.

(f) A recycling collection facility, pursuant to obtaining a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(g) Accessory dwellings. Up to four dwelling units, located on a floor or floors above a retail or office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(h) Buildings or structures up to 200 feet in height.

(Code 1980, § 22-58.2; Code 1995, § 24-58.2; Ord. No. 1029, § 5, 6-11-2002; Ord. No. 1091, § 2, 11-14-2006)

Sec. 24-59. - Conditional uses permitted by special exception.

The following uses may be permitted as special exceptions in accordance with the procedures, guides and standards of subsection (c) of section 24-116 and/or sections 24-2 and 24-106 of this chapter:

(a) Any conditional uses permitted and as regulated in the B-1 district.

(b) Dyeing and cleaning works employing not more than five persons in the dyeing and cleaning process, but not closer than 200 feet to any R district.

(c) Buildings or structures in excess of 45 feet in height but not exceeding 110 feet in height.

(d) A single coin-operated carwash building not exceeding 800 square feet in area, when located on the premises of an automotive filling station or convenience food store with fuel pumps. Adequate stacking space shall be provided for all vehicles off of the street for the wash lane.

(Code 1980, § 22-59; Code 1995, § 24-59; Ord. No. 1091, § 3, 11-14-2006)

Sec. 24-60. - Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the B-1 district, except as provided herein and in subsection (i) of section 24-95 of this chapter.

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

(c) Living accommodations for a resident manager employed on the premises of self-service storage facility.

(d) Signs as regulated in section 24-104.1.

(e) A dwelling unit within an office or business building for occupancy by the proprietor or an employee of an establishment within such office or business building.

(f) Storage of office supplies and/or merchandise for retail sale, provided such items are normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(g) Not more than two electronic amusement games and billiard, pool or bagatelle tables operated incidental to the principal business use shall be permitted in any single business establishment.

(h) Vending machines for food and beverage and similar merchandise. Not more than two such machines may be permitted on the premises outside of an enclosed building.

(i) One carwash bay, automatic or otherwise, when located within an automotive filling station permitted in this district. Such bay shall not be permitted in addition to the number of otherwise permitted service

bays. Adequate stacking space shall be provided for all vehicles off of the street for the wash lane.

(j) Newspaper boxes, public telephone stations and similar uses.

(k) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-60; Code 1995, § 24-60)

Sec. 24-61. - Development standards and conditions for permitted uses.

(a) *Purpose.* In order to encourage compatibility with adjacent and nearby properties and to enhance harmonious relationships with surrounding properties, whether developed or undeveloped, the building or buildings and site shall be designed to:

(1) Employ such development techniques as may be appropriate to a particular case in order to fulfill the purposes of this chapter and the goals, objectives and policies of the comprehensive plan.

(2) Include design considerations which may address matters such as location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location and number of vehicular access points, size and location of signs, open spaces and parking areas, grading, landscaping, screening and servicing.

(b) *Lot area and width unless otherwise provided by this chapter.*

(1) For permitted uses in the one-family residence districts other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.

(2) For permitted and accessory uses, there are no minimum lot area and width requirements except as may be required by the health department to meet sanitary standards.

(c) *Minimum yard depths.* Minimum yards shall be provided in accordance with sections 24-94, 24-95 and 24-101 of this chapter, except that any building, structure or use not classified as a shopping center, when located directly across the street from any R district, shall be set back 50 feet from any street right-of-way of less than 80 feet in width. Notwithstanding any other provisions of this chapter, on corner or double frontage lots the minimum front yard depth required for the district shall be observed from any street right-of-way line.

(d) *General height and bulk standards.* See sections 24-93, 24-94 and 24-95 of this chapter.

(e) *Off-street parking and loading.* Off-street parking and loading design standards and space requirements for particular uses are contained in sections 24-96, 24-97 and 24-98 of this chapter.

(f) *No exterior display or storage.* Display and storage for permitted uses, stores, shops, offices or businesses (except parking lots) shall be wholly within a completely enclosed building except as herein provided.

(g) *Reserved.*

(h) *Reserved.*

(i) *Refuse containers.* Refuse containers shall be completely screened from view by means of an opaque

fence or wall. Such containers shall be located as far from adjacent R districts as practicable. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(j) *Drainage.* Provisions shall be made for appropriate stormwater management and drainage. Water from buildings, parking and loading areas shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Plans shall be prepared in accordance with design criteria established by the county engineer or any governmental body having jurisdiction with respect thereto and approved prior to beginning any construction.

(k) *Lighting.* Site and exterior lighting, if provided, shall be directed away from adjoining R districts and streets. Lighting shall be of such design and type as to minimize the impact of the lights on adjacent property in accordance with lighting plans approved by the planning office or, if required, by the planning commission prior to the issuance of an occupancy permit.

(l) *Hours of service.* Unless otherwise provided for by this chapter, no business permitted in this district shall begin service to the public or any outside activity before 6:00 a.m. nor extend any outside activity or hours of service after 12:00 midnight. (See also section 24-58.2.)

(m) *Services and production of goods.* Services and production of goods shall be subject to the development standards of the B-1 district, except that brewing of beer is allowed for up to 3,000 barrels per calendar year.

(n) *Temporary outdoor Christmas tree sales.* Temporary outdoor sales shall be subject to the requirements and development standards of the B-1 district.

(Code 1980, § 22-61; Code 1995, § 24-61)

ARTICLE XIV. - B-3 BUSINESS DISTRICT

Sec. 24-62. - Purpose of district.

This district is to provide locations for a variety of commercial, automotive, recreational and service activities, serving a wide area of the county and located along arterial thoroughfares where a general mixture of commercial and service activity may exist. Uses and activities which are characterized by extensive warehousing, frequent heavy trucking activity, open storage of material or the nuisance factors of dust, odor and noise associated with manufacturing are not to be located within such areas.

(Code 1980, § 22-62; Code 1995, § 24-62)

Sec. 24-62.1. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any use permitted and as regulated in the R-6 district except dwellings as herein provided. The permitted height of buildings or structures shall be subject to the B-2 district requirements except as otherwise provided for by this chapter.

(b) Any use permitted in the B-1 and B-2 business districts, subject to the development standards of the B-3 district.

(c) Animal hospital or kennel. Any open pens or enclosures for animals shall be located at least 200 feet from any R district.

(d) Automobile service station. Bulk storage of fuel shall be underground.

(e) Automobile, truck, trailer, motorcycle or bus sales, rental and repair, including towing service and automotive body and paint shops, but not auto salvage or junk operations. All repair or storage of equipment or materials and damaged or inoperative vehicles shall be inside a completely enclosed building except as provided herein and damaged or inoperative vehicles removed from the highways as an emergency measure may be stored for a maximum of 30 days.

(f) Automobile or truck tires or parts sales, wholesale or retail, service and/or installation.

(g) Automobile, truck or recreational vehicle, storage lot for new or used cars and other vehicles. Such use shall not include storage or sale of junk or inoperative vehicles.

(h) Boat and boat trailer sales, service and storage.

(i) Building materials store, wholesale or retail, but not a lumberyard. All outside storage or sales areas shall be located, secured and screened in accordance with the development standards of this section.

(j) Carwash, automatic or otherwise. Adequate stacking space for all vehicles shall be provided off of the street for each washing lane.

(k) Cleaning or dyeing, linen service or laundry, furniture repairing or refinishing; cabinet or carpenter shop; plumbing, electrical and heating shop; painting shop; upholstering shop; tinsmithing shop. General service and repair establishments, similar in character or operation to those listed in this item may be permitted, provided that no outside storage of material or products is permitted except as provided by this section.

(l) Exterminating establishment.

(m) Farm supply and service establishment, implement sales, rental and service, feed and seed store.

(n) Fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader or similar activity.

(o) Janitorial service establishment.

(p) Landscape contracting and tree service.

(q) Manufactured home sales, display and storage or sales, rental, display and storage of travel trailer, travel vans, campers and truck camper tops. All vehicles and units shall be in useable condition and none shall be placed in a required front yard.

(r) A single office-warehouse, when the warehouse area does not exceed 15,000 square feet and all materials are stored within an enclosed building for use by the business concern occupying the building.

(s) Printing, publishing and engraving establishments, photographic processing and blueprinting.

(t) Public utility service buildings, including facilities for construction and repair, or for the service or storage of utility materials or equipment.

(u) Public dancehalls within a fully enclosed, air conditioned and soundproofed building.

(v) Restaurants of any kind, delicatessens, ice cream parlors, and microbreweries.

(w) Rifle or pistol range within a fully enclosed, air conditioned and soundproofed building.

(x) School for industrial training, trade or business.

(y) Sheet metal shop or roofing company. No outside storage of material shall be permitted except as provided for in this section.

(z) Shell houses or display houses, but not within 20 feet of any side lot line, nor within 20 feet of each other.

(aa) Shopping centers, regional. A regional center shall contain more than 40 acres in the aggregate, and shall consist of a coordinated group of retail and service establishments, indoor and outdoor, with common parking, access and service areas in accordance with section 24-101 of this chapter. Shopping center site plans shall be approved by the planning commission in accordance with section 24-106 of this chapter. Outside display areas are permitted as regulated in the B-1 district.

(bb) Sign shop, including fabrication.

(cc) Temporary outdoor sales lots and stands for retail sales of a temporary nature (except livestock sales and outdoor flea markets), and when located 200 feet from any R district. Retail sale of Christmas trees, wreaths, holly and similar decorative horticultural materials shall be permitted and

as regulated in the B-1 district.

(dd) Wholesale establishments with not more than 15,000 square feet of accessory storage per establishment.

(ee) Other retail, service and recreational uses which are of the same general character as those listed above as permitted uses. Such additional uses may be permitted by the director of planning pursuant to section 24-109 of this chapter, provided that they shall be only retail and service establishments primarily selling new merchandise and/or rendering a personal service. Such additional uses may be permitted only in accordance with the development standards as herein provided.

(ff) Permanent on-site recycling collection facility subject to section 24-106.

(gg) Outdoor advertising signs as regulated in section 24-104.1.

(hh) Adult business, as regulated in section 24-65(n).

(Code 1980, § 22-62.1; Code 1995, § 24-62.1; Ord. No. 975, § 4, 5-27-1998; Ord. No. 993, § 2, 10-12-1999; Ord. No. 1023, § 2, 2-12-2002)

Sec. 24-62.2. - Provisional uses permitted.

The following uses may be permitted as provisional uses if approved by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter; and further provided, that site plans are reviewed and approved by the planning commission pursuant to section 24-106 of this chapter and the development standards as herein provided:

(a) Amusement park, carnival, circus and fairgrounds.

(b) Auditorium and assembly hall.

(c) Bus and railroad passenger station.

(d) Drive-in theater.

(e) Heliport (including landing, fueling and service facilities).

(f) Recreational facilities of a commercial nature when located out-of-doors. Such facilities may include miniature golf courses, golf driving ranges, skating rinks, swimming pools and water slides, skateboard parks and similar uses and activities.

(g) Commercial outdoor flea markets.

(h) Self-service storage facility in accordance with section 24-58.2(b) of this chapter.

(i) Billiard parlors with hours of service to the general public from 1:00 p.m. on Sunday and 6:00 a.m. on other days until midnight, unless extended hours of operation are specifically authorized by the board of supervisors as a condition of the permit approval.

(j) A recycling collection facility, pursuant to obtaining a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning

commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(k) Coliseum, stadium and racetrack. Buildings and structures may be any height in excess of 45 feet permitted by the board of supervisors.

(l) Accessory dwellings. Up to four dwelling units, located on a floor or floors above a retail or office use, may be permitted as a provisional use, subject to the following requirements:

(1) The dwelling shall be categorized as nonresidential for the purpose of applying area and bulk regulations.

(2) Each dwelling shall provide one parking space.

(3) The dwelling entrance must be either an exterior door leading directly outside or a door to a common entrance shared with the principal use.

(4) The dwelling shall have at least 500 square feet of livable floor area.

(5) The requirements of section 24-122.1 of this Code.

(m) Buildings or structures up to 200 feet in height.

(Code 1980, § 22-62.2; Code 1995, § 24-62.2; Ord. No. 1010, §§ 1, 2, 4-24-2001; Ord. No. 1029, § 6, 6-11-2002; Ord. No. 1091, § 4, 11-14-2006)

Sec. 24-63. - Conditional uses permitted by special exception.

The following uses may be permitted as special exceptions in accordance with the procedures, guides and standards of subsection (c) of section 24-116 and/or sections 24-2 and 24-106 of this chapter:

(a) Any conditional uses permitted and as regulated in the B-2 district.

(b) Unless otherwise permitted by the provisions of this district, any of the retail sales or service uses permitted in section 24-62.1 requiring display of merchandise out-of-doors may be permitted, provided that:

(1) The specific location and arrangement will not adversely affect adjacent property.

(2) The exterior display area shall be a permanent structure, capable of being secured from entry, and shall be an integral part of the architectural design of the building. A chainlink or similar fence shall not be considered to be a permanent structure for the purpose of outside display.

(3) The exterior display area must be immediately adjoining the front or side of the principal building, extending not more than ten feet from it, and must be constructed in such a way that there shall be at least five feet of sidewalk for pedestrian movement adjacent to and outside of

the display area.

(c) Buildings or structures in excess of 45 feet in height but not exceeding 110 feet in height.

(d) Helistop (landing facilities only; no fueling or service facilities).

(e) Any other retail business not otherwise permitted in this district, or specifically excluded therefrom, including any kind of manufacturing or treatment incidental to the conduct of a retail business on the same premises. This provision shall not be construed to include any use which is first permitted or is prohibited in the M-1 district.

(Code 1980, § 22-63; Code 1995, § 24-63; Ord. No. 1091, § 5, 11-14-2006)

Sec. 24-64. - Accessory uses permitted.

(a) Accessory uses as permitted and as regulated in the B-2 district, except as provided herein and in subsection (i) of section 24-95 of this chapter.

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

(c) Signs as regulated in section 24-104.1.

(d) A dwelling unit within an office or business building for occupancy by the proprietor or an employee of an establishment within such office or business building.

(e) Storage of office supplies and merchandise for retail sale, provided such items are normally carried in stock in connection with a permitted office or business use subject to applicable district regulations.

(f) Vending machines for food, beverage and similar merchandise. Not more than two such machines may be permitted on the premises outside of an enclosed building.

(g) Newspaper boxes, public telephone stations and similar uses.

(h) Not more than two billiard, pool or bagatelle tables operated incidental to the principal business use shall be permitted in any single business establishment. Any business open to the public when billiards, pool or bagatelle tables are provided shall close between the hours of 12:00 a.m. midnight and 6:00 a.m. unless extended hours of service are permitted pursuant to subsection (a) of section 24-58.2 of this chapter.

(i) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-64; Code 1995, § 24-64)

Sec. 24-65. - Development standards and conditions for permitted uses.

(a) *Purpose.* In order to encourage compatibility with adjacent and nearby properties and to enhance harmonious relationships with surrounding properties, whether developed or undeveloped, the building or buildings and site shall be designed to:

(1) Employ such development techniques as may be appropriate to a particular case in order to fulfill the purposes of this chapter and the goals, objectives and policies of the comprehensive plan; and

(2) Include design considerations which may address matters such as location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location and number of vehicular access points, size and location of signs, open spaces and parking areas, grading, landscaping, screening and servicing.

(b) *Lot area and width unless otherwise provided by this chapter.*

(1) For permitted uses in the one-family residence districts, other than dwellings and places of worship, the lot area and width requirements shall not be less than required in the R-4A district.

(2) For permitted and accessory uses there are no minimum lot area and width requirements except as may be required by the health department to meet sanitary standards.

(c) *Minimum yard depths.* Minimum yards shall be provided as herein required and in accordance with sections 24-94, 24-95 and 24-101 of this chapter, except that any building, structure or use not classified as a shopping center, when located directly across the street from any R district, shall be set back 50 feet from any street right-of-way of less than 80 feet in width. Notwithstanding any other provisions of this chapter, on corner or double frontage lots the minimum front yard depth required for the district shall be observed from any street right-of-way line.

(d) *General height and bulk standards.* See sections 24-93, 24-94 and 24-95 of this chapter.

(e) *Off-street parking and loading.* Off-street parking and loading design standards and space requirements for particular uses are contained in sections 24-96, 24-97 and 24-98 of this chapter.

(f) *Exterior storage.* Storage for permitted uses, stores, shops, offices or businesses (except parking lots) shall be conducted wholly within a completely enclosed building except as follows:

(1) Permitted exterior display or storage of vehicles or boats shall be separated from any existing or proposed street right-of-way by a landscape strip not less than ten feet in width of appropriate planting materials designed in accordance with section 24-106.2 of this chapter.

(2) Permitted exterior storage of merchandise, refuse, discarded vehicle parts and tires or salvage materials resulting from services and/or installation permitted on the premises shall be located and screened from view when stored outside a building, either from within or outside the premises, by means of an opaque fence, masonry wall of approved design and materials, or dense evergreen landscape planting, or any combination thereof. This provision shall not be constructed to permit uses or activities first permitted in any M district. Stored materials shall not be stacked or otherwise placed in a manner that exceeds the height of the screen.

(g) *Reserved.*

(h) *Reserved.*

(i) *Drainage.* Provision shall be made for proper stormwater management and drainage. Water from buildings, parking and loading areas shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Plans shall be prepared in accordance with design criteria established by the county engineer and any governmental body having jurisdiction with respect thereto, and approved prior to beginning construction.

(j) *Lighting.* Site and exterior lighting, if provided, shall be directed away from adjoining R districts and streets. Lighting shall be of such design and type as to minimize the impact of the lights on adjacent property in accordance with approved lighting plans approved by the planning office, or if required, by the planning commission prior to the issuance of an occupancy permit.

(k) *Hours of service.* Unless otherwise provided by this article, hours of operation of any permitted business or establishment are unrestricted.

(l) *Services and production of goods.* Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise,

vibration, refuse matters or water-carried waste. Goods may be produced for retail sale on the premises, provided not more than 15 persons are engaged in such production. The number of persons employed in production does not include any persons engaged in the sale of products or deliveries.

(m) *Refuse containers.* Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be located as far from adjacent R districts as practicable. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(n) *Adult businesses.* In addition to all other requirements, any adult business shall conform to the following requirements:

(1) The business shall be located at least 500 feet away from any residential or agricultural zoning district, and at least 500 feet from the property line of any land used for any of the following:

a. A residence;

b. A nursing home, assisted living facility, or similar institution;

c. An adult day care center;

d. A child day care center;

e. A public or private school, college or university;

f. A public park;

g. A public library, museum or cultural center;

h. A place of worship;

i. A hotel, motel or boardinghouse;

j. Any other adult business.

(2) Adult merchandise shall not be visible from any point outside the establishment.

(3) Signs or attention-getting devices for the business shall not contain any words or graphics depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 24-3.

(4) The business shall not begin service to the public or any outside activity before 6:00 a.m. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 2:00 a.m. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store or any other adult business except an adult motel shall not extend after 12:00 midnight.

(5) In any adult business other than an adult motel or adult movie theater, there shall be no viewing of videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices, Internet sites or files transmitted over the Internet, or similar media characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in section 24-3, while on the premises.

(6) Adult merchandise shall be located in a separate room or other area inaccessible to persons under 18 years of age.

(7) All owners, managers, employees and entertainers shall be at least 18 years of age.

(8) The owner or operator shall install, operate and maintain a security camera and videotape system designed by a security specialist. Surveillance cameras shall continuously monitor all entrances, parking areas and all areas of the establishment where the adult business is conducted, except for the sleeping rooms of an adult motel. Such cameras shall provide clear imagery of the establishment's patrons and their vehicles. Tapes recording activities in the areas under surveillance shall be preserved for a period of four months. Authorized representatives of the Henrico County Division of Police or the Henrico County Planning Office shall have access to such tapes upon request.

(9) The owner or operator shall provide adequate lighting for all entrances, exits and parking areas serving the adult business, and all areas of the establishment where the adult business is conducted,

except for the private rooms of an adult motel or the movie viewing areas in an adult movie theater. "Adequate lighting" means sufficient lighting for clear visual and security camera surveillance.

(Code 1980, § 22-65; Code 1995, § 24-65; Ord. No. 993, § 3, 10-12-1999; Ord. No. 1023, § 3, 2-12-2002)

ARTICLE XV. - M-1 LIGHT INDUSTRIAL DISTRICT; USES

Sec. 24-66. - Principal uses permitted.

A building or land shall be used only for the following purposes, subject to the conditions in section 24-69:

(a) Any use permitted and as regulated in the B-3 district except dwellings, schools, hospitals and other institutions for human care, and adult businesses; provided, however, that any such prohibited use other than an adult business legally existing in the M-1 district at the time of adoption of this chapter or any amendment thereto shall not be subject to the restrictions on nonconforming uses contained herein.

(b) Except as otherwise provided herein, the manufacturing, assembling, compounding, processing, packaging, baling, repairing, storage or distribution of products made from previously prepared basic materials, such as bond, cloth, cork, fibre, leather, paper, plastics, metals (not involving punch presses over 75 tons rated capacity), stones, tobacco, wax, yarns or wood (except where sawmills or planing mills are employed).

(c) The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products (except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils).

(d) Manufacture of pottery or other similar ceramic products, from previously pulverized clay, and in kilns fired only by smokeless furnaces.

(e) Laboratories—Experimental, film or testing.

(f) Warehouses.

(g) The following uses when located at least 200 feet from any R district:

(1) Bag, carpet and rug cleaning, provided necessary equipment is installed and operated to effectively precipitate and recover dust, except that such operations which use noninflammable solutions and are completely enclosed within a masonry building shall be exempt from the 200-foot setback from an R district.

(2) Blacksmith, welding or other metal shop, excluding punch presses over 75 tons rated capacity, drop hammers and the like.

(3) Bottling, manufacturing, cold storage or distribution plant, including a milk processing plant, a winery, or a brewery that produces no more than 15,000 barrels of beer per calendar year, but not including a distillery.

(4) Tire manufacturing, rebuilding or recapping plants.

(5) Recyclable materials processing facility within a fully enclosed building or approved opaque wall or fence.

(h) Bulk storage or distribution plant for inflammable liquids (other than an automobile service station) for underground storage of not to exceed 30,000 gallons, when located 200 feet from an R district.

(i) Permanent on-site recycling collection facility within a fully enclosed building or approved opaque wall or fence and subject to section 24-106.

(Code 1980, § 22-66; Code 1995, § 24-66; Ord. No. 993, § 4, 10-12-1999; Ord. No. 1023, § 4, 2-12-2002)

Sec. 24-66.1. - Provisional uses permitted.

(a) A recycling collection facility, pursuant to a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(b) Buildings or structures up to 200 feet in height.

(Code 1980, § 22-66.1; Code 1995, § 24-66.1; Ord. No. 1091, § 6, 11-14-2006)

Sec. 24-67. - Conditional uses permitted by special exception.

(a) Sand, gravel or clay pits, quarries, mines and other extractive operations, including topsoil removal, subject to the special provisions of section 24-103.

(b) Airports, when not less than 1,200 feet from any R district and provided that the approaches to runways shall not be over any R district or any school, place of worship, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile. Any airport or part thereof located in an M district may include any of the accessory buildings, structures or service facilities permitted and as regulated in the A-1 district, and may include any other use herein permitted in the district in which such part of the airport is located.

(c) Mixing of cement concrete, but not within 100 feet of any lot in an agricultural or residential district. Such mixing operation, including equipment, materials, vehicle and trailer storage, shall be limited to a single mixer of one cubic yard capacity and shall be further subject to the requirements of subsection (c) of section 24-69. Any vehicles or trailers associated with the operation shall be limited to one cubic yard or 4,000 pounds capacity.

(d) Buildings or structures up to 110 feet in height.

(Code 1980, § 22-67; Code 1995, § 24-67; Ord. No. 1091, § 7, 11-14-2006)

Sec. 24-68. - Accessory uses permitted.

(a) Accessory uses customarily accessory and incidental to any permitted use.

(b) Signs as regulated in section 24-104.1.

(c) Living accommodations for a resident manager, caretaker and/or security guard employed on the premises.

(d) Accessory to a brewery or winery, on-site tasting and retail sales of any of the following beverages manufactured on site: beer, wine, or cider.

(Code 1980, § 22-68; Code 1995, § 24-68)

Sec. 24-69. - Required conditions.

(a) All uses specified in section 24-66, subsections (b) through (g) inclusive, shall be conducted wholly within an enclosed building, except for parking, loading and unloading facilities.

(b) No use shall be permitted which by reason of its nature or manner of operation is or may become hazardous, objectionable or offensive because of odor, dust, smoke, cinders, fumes, noise, vibration, wastes, fire, explosion or unsightliness.

(c) All outside storage shall be located within an enclosed area, which conforms to the distance requirements of the use from other districts. The area shall be enclosed and screened by a continuous opaque masonry wall of approved design and materials or fence of approved design and not less than seven feet in height.

(d) *Refuse containers.* Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(Code 1980, § 22-69; Code 1995, § 24-69)

ARTICLE XVI. - M-2 GENERAL INDUSTRIAL DISTRICT; USES

Sec. 24-70. - Principal uses permitted.

A building or land shall be used only for the following purposes:

(a) Any principal use permitted and as regulated in the M-1 district, except for the requirement that certain uses be conducted within enclosed buildings.

(b) The following uses when located at least 300 feet from any R district:

(1) Automobile or aircraft assembly or major repair; provided, that any ground testing of aircraft shall be conducted at least 1,200 feet from any R district and shall be subject to a special exception.

(2) Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.

(3) Building material sales yards including Portland cement concrete mixing; lumberyards including millwork; contractor's equipment storage or rental yard or plant; grain elevators and mills; trucking or hauling service yards; manufacturing of concrete products.

(4) Structural steel fabricating plant.

(5) Railroad yards and shops; machine shops.

(6) Freight stations and terminals, rail or motor.

(7) Brewery.

(c) The following uses when located at least 600 feet from any R district:

(1) Acetylene manufacture or storage.

(2) Asbestos processing.

(3) Bleaching plant.

(4) Boiler shop, metalworking shop employing reciprocating hammers or punch presses over 75 tons rated capacity.

(5) Bottled gas (inflammable or noxious) storage or distribution depot.

(6) Distillery.

(7) Brick, tile or terracotta manufacturing.

(8) Candle or sperm oil manufacture.

(9) Coal yards not elsewhere permitted.

(10) Cooperage works.

(11) Crematory.

(12) Disinfectant, insecticide or poison manufacturing.

(13) Dye or dyestuff manufacturing.

(14) Enameling, lacquering or japanning.

(15) Emery cloth or sandpaper manufacturing.

(16) Felt manufacturing.

(17) Forge or foundry works.

(18) Bulk storage or distribution plant for inflammable liquids (other than an automobile service station) for aboveground storage of not to exceed 80,000 gallons capacity.

(19) Grain drying or feed manufacturing.

(20) Hair processing or hair products manufacturing.

(21) Junk storage, dismantling, sorting or baling, including iron, rags, paper, lumber, automobiles and the like, when conducted entirely within an enclosed building.

(22) Lime or cement products manufacturing.

(23) Linoleum, oilcloth or oiled goods manufacturing.

(24) Match manufacturing.

(25) Meat or fish products manufacturing (edible products only), but not including any stockyard or slaughterhouse.

(26) Oil paint, shellac, turpentine, varnish or enamel manufacturing or the grinding of colors by machine.

(27) Paper or pulp manufacturing.

(28) Perfume manufacturing.

(29) Pickle, sauerkraut, vinegar or yeast manufacturing.

(30) Plaster or plaster products manufacturing.

(31) Port facilities such as docks, warehouses, storage yards and shipyards.

(32) Poultry slaughtering, packing and storage, for wholesale trade.

(33) Printing ink manufacturing.

(34) Racetracks, for the racing of animals.

(35) Rubber, gutta-percha, balata or similar products manufacturing or treatment, from crude or scrap material.

(36) Sandblasting or cutting.

(37) Sawmills, planing mills or the manufacturing of excelsior, wood fibre or sawdust products.

(38) Reserved.

(39) Shoddy manufacturing.

(40) Shoe blacking or polish or stove polish manufacturing.

(41) Soap manufacturing.

(42) Steam power plant, other than accessory plant.

(43) Stone or monument works.

(44) Sugar refining.

(45) Tar or asphalt roofing or waterproofing manufacturing.

(46) Tar distillation or manufacturing.

(47) Wire or rod drawing, nut, screw or bolt manufacturing.

(48) Wood preserving or pressure treating or manufacturing of wood preservative.

(49) Fertilizer manufacture from natural products.

(50) Sand and gravel washing and grading plant.

(51) Asphalt pavement mixing plant.

(52) Vehicle storage area; provided, that it shall be within an enclosed area which is shielded or screened from public view.

(d) Any other lawful use except those specifically prohibited, or those listed as conditional uses in this district, and those first permitted in the M-3 district, provided such use is not a kind that ordinarily is especially obnoxious or dangerous because of odor, dust, smoke, gas, noise, fire, explosion or similar nuisance.

(e) Office trailers (not to be used for living purposes).

(f) Recyclable materials processing facility within a fully enclosed building or approved opaque wall or fence when located at least 200 feet from any R district.

(Code 1980, § 22-70; Code 1995, § 24-70)

Sec. 24-70.1. - Provisional uses permitted.

(a) Sewage disposal plants and class A sludge storage facilities except for those plants and facilities operated by the county, when located no closer than 300 feet to any lot line, no closer than 1,000 feet to any dwelling, and no closer than 1,000 feet to any R district and in accordance with section 24-106 and section 24-122.1 and the following guides and standards:

(1) These provisional uses should be approved only if it is found that the location is appropriate and not in conflict with the land use plan, that the public health, safety, morals and general welfare will not be adversely affected and that adequate utilities and roadways, both public and private, are or will be provided. Furthermore, adequate off-street parking and loading areas must be furnished and additional necessary safeguards provided for the protection of surrounding property, persons and neighborhood values from noise, odor, fumes, dust, gas, fire, explosion or similar nuisance.

(2) The board of supervisors may, in its discretion, approve this provisional use and may impose such reasonable conditions as it deems necessary to accomplish the objectives of this section with respect to: use, compliance with the requirements of the state health department and state water control board, drainage, washdown areas, spill control and cleanup, security, paving requirements, access road(s), parking and loading areas, insurance, bonding of maintenance and reclamation, water quality monitoring, screening, buffering, erosion control, seeding, landscaping, lighting, hours of operation, noise, fumes, odor, vector control, dust, fire and explosion control operation, maintenance or other requirements; otherwise the provisional use will be denied.

(b) Additional standards required for all class A sludge storage facilities:

(1) Documentation of approval of the proposal by the state health department and the state water control board.

(2) The highway entrance to such a facility shall be located not more than 1,000 feet from a major or minor arterial or a major collector. Unless specifically reduced by the board of supervisors for good

cause shown, the entrance shall be on a road with an existing pavement width of not less than 24 feet.

(3) The elevation of the lowest part of the storage facility berm shall not be less than the base flood elevation.

(4) Proof that insurance in an amount satisfactory to the county has been obtained covering the proposed activities in order to adequately protect the public from damage and injury resulting from the hauling or storage of the sludge.

(5) Adequate provisions shall be made for monitoring of the effects of the storage facility on surface water and groundwater including, without limitation, the authorization of the county to sample sludge and test water samples at the expense of the storage facility operator.

(6) All vehicles used in transporting sludge shall be completely enclosed and marked so that they can be identified and said marking along with vehicle identification numbers shall be filed with the director of planning.

(7) Documentation verifying that the applicant has sufficient land available upon which to apply the holding capacity of the storage facility within a period of 90 days. This documentation shall be submitted at the time of application and periodically thereafter when requested by the county.

(8) The number of cubic feet of sludge stored at any point in time shall not exceed the operator's ability to apply it to the land within the following 90-day period.

(c) A recycling collection facility, pursuant to a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(d) Buildings or structures up to 200 feet in height.

(Code 1980, § 22-70.1; Code 1995, § 24-70.1; Ord. No. 1091, § 8, 11-14-2006; Ord. No. 1116, § 6, 11-27-2007)

Sec. 24-71. - Conditional uses permitted by special exception.

(a) Any conditional use permitted and as regulated in the M-1 district, except as may otherwise be provided herein.

(b) Any other lawful use that would otherwise be prohibited because of a kind that ordinarily is especially obnoxious or dangerous as specified in section 24-70; provided, that the establishment is so designed, equipped and operated as to eliminate or satisfactorily overcome the obnoxious or dangerous characteristics.

(Code 1980, § 22-71; Code 1995, § 24-71)

Sec. 24-72. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the M-1 district.

(b) Other accessory uses customarily accessory and incidental to any permitted use, except of a type which is permitted only as a conditional use or is prohibited in this district.

(c) Signs as regulated in section 24-104.1.

(d) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required by sections 24-96 and 24-101(e)(5).

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(e) Accessory to a brewery, distillery, or winery, on-site tasting and retail sales of alcoholic beverages manufactured on site.

(Code 1980, § 22-72; Code 1995, § 24-72)

Sec. 24-72.1. - Development standards and conditions for permitted uses

Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE XVII. - M-3 HEAVY INDUSTRIAL DISTRICT; USES

Sec. 24-73. - Principal uses permitted.

(a) Any principal use permitted and as regulated in the M-2 district.

(b) The following uses when located at least 2,000 feet from any R district and 500 feet from any other district except an M-1, M-2, A-1 or C-1 district:

(1) Abattoirs, slaughterhouses, stockyards or auction barns.

(2) Acid manufacturing or wholesale storage of acids.

(3) Bone distillation.

(4) Cement, lime, gypsum or plaster of paris manufacturing.

(5) Chemical works for the production of nitrogen, ammonia, cyanide or similar products or their

compounds.

(6) Explosives or fireworks manufacturing or storage.

(7) Fat or oil rendering or refining.

(8) Fertilizer (chemical) manufacturing.

(9) Gas manufacturing.

(10) Glue manufacturing.

(11) Petroleum or petroleum products refining or reclaiming.

(12) Racetracks or racecourses for motor vehicles, motor boats or aircraft.

(13) Smelting or reduction of ores of metallurgical products.

(14) Carnivals, fairs or circuses.

(15) Permanent on-site recycling collection facility subject to section 24-106.

(c) Bulk storage or distribution plant or tank farm for inflammable liquids without limit as to amount of storage, when located at least 600 feet from any residence or business district.

(d) Recyclable materials processing facility within a fully enclosed building or approved opaque wall or fence when located at least 200 feet from any R district.

(Code 1980, § 22-73; Code 1995, § 24-73)

Sec. 24-73.1. - Provisional uses permitted.

(a) A recycling collection facility, pursuant to a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(b) Buildings or structures up to 200 feet in height.

(Code 1980, § 22-73.1; Code 1995, § 24-73.1; Ord. No. 1091, § 9, 11-14-2006)

Sec. 24-74. - Conditional uses permitted by special exception.

(a) Any conditional use permitted and as regulated in the M-2 district, except as may otherwise be provided herein.

(b) Garbage, offal or dead animal reduction or dumping.

(c) Atomic laboratories or plants for the production of fissionable or other nuclear materials, or production of radium or radioactive materials.

(d) Junkyards for the storage, drying, cleaning, sorting, refining, baling or dismantling of iron, junk, rags, glass, cloth, paper, machinery or other waste or discarded materials, including automobile graveyards, wool pulling and scouring, subject to the following conditions:

(1) No such junkyard or automobile graveyard shall hereafter be established, any part of which is closer than 500 feet to a public street or road.

Every such yard shall effectively be screened from all public streets or roads by natural or other means and shall be surrounded by a solid and sightly fence or wall not less than eight feet in height.

(2) The owner or operator of such junkyard or automobile graveyard shall not allow junk, vehicles or parts thereof to be collected or stored in piles more than six feet in height.

(3) The collection or storage of any material containing or contaminated with dangerous explosives, chemicals, gases or radioactive substances is prohibited.

(4) Every such junkyard or automobile graveyard shall be operated and maintained in such a manner as not to allow the breeding of rats, flies, mosquitoes or other disease-carrying animals and insects.

(Code 1980, § 22-74; Code 1995, § 24-74)

Sec. 24-75. - Accessory uses permitted.

(a) Accessory uses permitted and as regulated in the M-2 district.

(b) Other accessory uses customarily accessory and incidental to any permitted use.

(c) Signs as regulated in section 24-104.1.

(d) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-75; Code 1995, § 24-75)

Sec. 24-75.1. - Development standards and conditions for permitted uses.

Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE XVIII. - PMD PLANNED INDUSTRIAL DISTRICT

Sec. 24-76. - Purpose and intent.

The planned industrial district is intended to permit, in accordance with the comprehensive plan, the development of a planned industrial district (popularly known as planned industrial park) containing not less than 20 contiguous acres in those areas of the county provided with public sanitary sewer, sewage disposal facilities and water supply. The district shall be located within one mile of an interchange of a limited access freeway or a primary four-lane highway having a carrying capacity of 1,000 vehicles per lane per hour. The location of any compatible commercial facility deemed appropriate shall be controlled in such a manner as to exist solely for such district. Such district, when approved, shall constitute a part of the comprehensive plan for the county as a whole and the preliminary consideration of such district by the planning commission shall be based on recognition of this requirement.

(Code 1980, § 22-76; Code 1995, § 24-76)

Sec. 24-77. - Principal uses permitted.

(a) The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, including creameries, bottling plants, bakeries, canneries, ice manufacture, freezer plant and meat packing except fish products, sauerkraut, slaughter and dressing of the carcass.

(b) The manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fibre, hair, leather, paper, plastics, metals, stone, tobacco, wax, yarn or wood, except where sawmills or planing mills are employed.

(c) The manufacturing of musical instruments, toys, novelties and molded plastic or rubber products.

(d) The manufacturing or assembly of electrical appliances, instruments and devices, communication equipment, professional, scientific and control instrumentation and photographic and optical goods.

(e) The manufacturing of pottery or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

(f) The manufacture of electric signs, advertising structure, light sheet metal products, including heating and ventilating equipment.

(g) Enameling, japanning, galvanizing, lacquering, plating, when accessory to a principal use.

(h) Printing and publishing plant, typesetting and allied plants, automotive assembly.

(i) Rolling, drawing, extruding, casting and forging of nonferrous metals and plastics.

(j) Research, experimental and testing laboratories and research and development centers; computer and data processing centers; engineering service centers; editorial publications and/or distribution centers for periodicals, books, records, films and similar publications; central billing and record center; management and real estate offices for industrial district operation; and storage and repair facilities for industrial district maintenance subject to screening requirements in section 24-106.2.

(k) Services primarily for industries located in the industrial district such as industrial instruments repair service, small machine "job" shops, photographic service and development, computer and data processing service, printing and duplicating service.

(l) Commercial facilities whose services are solely oriented to the needs of the industries located in the industrial district and must be located within the interior of the district.

(m) Underground facilities for pipelines, electrical power and energy, distribution lines, telephone and telegraph lines. Control instrumentation, substation and similar aboveground equipment installation shall

not be subject to minimum lot size or maximum floor space requirements, but must be screened by planting or by an ornamental wall, as provided in section 24-106.2.

(n) Wholesale warehouses and service facilities for retail and chain stores and distribution facilities, public warehouse, cold storage warehouse, except that no retail sales shall be permitted on the premises.

(o) Helistop, subject to standard recommendations by the Federal Aviation Agency or its successor agency.

(p) Any other uses determined by the director of planning, after a duly authenticated report or investigation that he shall make or have made, to be of the same general character as the permitted uses, including new products and technological processes.

(q) Permanent on-site recycling collection facility subject to section 24-106.

(r) Places of worship.

(Code 1980, § 22-77; Code 1995, § 24-77)

Sec. 24-77.1. - Provisional uses permitted.

(a) A recycling collection facility, pursuant to a provisional use permit and administratively approved site plan, for a period in excess of 30 days. The facility shall meet or exceed the following criteria:

(1) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(2) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101 or greater as specified by the provisional use permit.

(3) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).

(4) Exterior storage: Exterior storage shall not be permitted.

(5) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(6) A site plan shall be submitted for administrative review and approval by the director of planning or the director's designee. Appeal of any condition of approval shall be to the planning commission. Failure to maintain strict conformity with conditions of approval shall be deemed just cause for revocation. The site plan shall depict the location and size of the proposed facility; the number, type and size of containers and/or trailers and/or vehicles to be utilized; and the means of maximizing the compatibility of the proposed facility with the overall design, character and aesthetic considerations of the principal use of the property. Amendments to approved plans shall be reviewed and approved administratively by the director of planning or the director's designee.

(7) Operation and maintenance plan. An operation and maintenance plan containing provisions for an attendant, daily operations and maintenance of the facility shall be submitted for review and approval as part of the plan submitted for approval by the director of planning.

(8) Time limits and hours of operation. The duration or time period of the facility and daily hours of operations shall be established by the board of supervisors in its approval of the provisional use permit.

(9) A tonnage collection report for the previous six-month period shall be submitted to the planning office no later than January 15 and July 15 of each year.

(Code 1980, § 22-77.1; Code 1995, § 24-77.1)

Sec. 24-78. - Accessory uses.

(a) Accessory uses demonstrably related to permitted uses, including a central heating and/or air conditioning facility to service occupants of the district; indoor and/or outdoor recreational facilities; eating facilities for employees and their guests; health clinics and first aid station; technical library; auditoriums; classrooms; meeting and display room; provided that all the facilities are restricted to use primarily by

employees and official visitors.

(b) Antenna; cooling towers; and air cleaning equipment and structure. All such equipment, except antennas, shall be screened from public view.

(c) Temporary buildings, trailers and vehicles for uses incidental to construction work, which building shall be removed within one month of substantial completion or abandonment of construction or moved to the next approved section of the district scheduled for construction.

(d) Other accessory uses and structures customarily incidental to any permitted principal use not otherwise prohibited.

(e) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

(4) Parking: Parking shall be provided as required in section 24-96.

(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to assure this requirement is met.

(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-78; Code 1995, § 24-78)

Sec. 24-79. - Required conditions.

(a) Processes and equipment employed, and materials or goods used in manufacture and/or storage, shall be limited to those which are not objectionable at the property line, without the use of instruments, of each industrial occupant by reason of odor, dust, smoke, fumes, noise, vibration, refuse matter or water-carried waste.

(b) Each future industrial occupant shall be required to submit to the planning commission as a part of the application for a building permit, a qualified engineer's report describing the proposed operation, all machines, processes, product and byproduct, stating the nature and expected levels of emission or discharge to land, air or water of liquid, solid or gaseous effluent and electrical impulses under normal operations, and the specifications of treatment mechanism and methods to be used in restricting the emission of dangerous or objectionable elements.

(c) *Refuse containers.* Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

(Code 1980, § 22-79; Code 1995, § 24-79)

Sec. 24-80. - Plan of development, subdivision, landscaping and screening requirements.

(a) In acting upon a plat for the district or site plan for a lot, the planning commission shall approve, based upon such following considerations: Preservation of topographic features and natural amenities such as wetlands, watercourses and trees, with the objective of achieving maximum compatibility among the proposed industrial facility, the district and the surrounding areas.

(b) Plans for the district shall conform to the provisions of chapter 19, subdivisions, of the Code of the county.

(c) Site and landscape plans shall conform to the requirements for a plan of development and landscaping

standards as set forth in sections 24-106 and 24-106.2 of this chapter.

(Code 1980, § 22-80; Code 1995, § 24-80)

Sec. 24-81. - Vehicular access.

All streets within the industrial district shall be built to county specifications and be dedicated to the county.

(Code 1980, § 22-81; Code 1995, § 24-81)

Sec. 24-82. - Reserved.

Sec. 24-83. - Utilities plan.

A preliminary utilities plan shall be submitted for approval to the planning commission as a part of preliminary development plans. This shall show the size and the proposed location of all exterior lines and equipment. All utilities shall be underground except control instrumentation and substations, which must be screened by planting or ornamental wall. No overhead wires are permitted within the district.

(Code 1980, § 22-83; Code 1995, § 24-83)

Sec. 24-84. - Height, area and yard requirements.

Notwithstanding any other requirements in this chapter, height, area and yard requirements shall be provided in accordance with the following schedules:

(1) Buildings shall not exceed 35 feet in height and communication towers and other structures shall not exceed 50 feet in height except as provided in section 24-95(a).

(2) The minimum district size shall be 20 acres. The minimum frontage on an existing principal highway shall be 600 feet. A parcel may be added to a PMD district where the parcel adjoins and has a common boundary with the PMD district and is at least two acres in size. However, there shall be no size limit for an addition to the PMD district when the addition is for expansion of an existing industrial facility.

(3) The minimum parcel shall be two acres. The minimum lot frontage shall be 200 feet except where otherwise stated.

(4) The minimum ground coverage of any principal building shall be 10,000 square feet except public utility buildings and structure necessary for public convenience and service. A principal building may be occupied by two industrial occupants, providing the subdivided structure is constructed for compatible industrial uses.

(5) The maximum ground coverage of any lot by a structure, including accessory building, shall not exceed 40 percent of the total area of the lot. Enclosed portions of off-street loading areas under roof shall not be included in computation of ground coverage of structure.

(Code 1980, § 22-84; Code 1995, § 24-84)

Sec. 24-85. - Reserved.

Sec. 24-86. – Reserved.

Sec. 24-87. - Exterior lighting.

Major structures and detached signs located in planted areas may be floodlighted or spotlighted,

providing such lights are not directed toward any other districts, highways or streets.

Parking lot or loading area lights or light standards, if located near screening strips adjacent to residential or agricultural districts shall be shielded to direct lights away from adjacent areas.

(Code 1980, § 22-87; Code 1995, § 24-87)

ARTICLE XIX. - C-1 CONSERVATION DISTRICT; USES

Sec. 24-88. - Principal uses permitted.

(a) Farming, dairy farming, livestock, rabbit and poultry raising and all uses commonly classed as agricultural, subject to the same provisions and limitations as in the A-1 district.

(b) Forestry, including temporary sawmills as permitted in the A-1 district.

(c) Public and private forests or wildlife preserves and similar conservation areas.

(d) Publicly owned properties and incidental buildings of a recreation, sports or conservation nature.

(e) Private noncommercial recreation areas and facilities such as country clubs, swimming clubs, golf courses, boat clubs, fishing clubs and riding clubs, provided each such site shall contain an area of 50 acres or more, and any shooting range or traps shall observe three times the distance requirements of section 24-10.

(f) Summerhouses, cabins or camps, for seasonal (nonpermanent or yearround) occupancy only, and which buildings need not abut on a street.

(g) Waterworks, wells, reservoirs, flood-control works, drainage works.

(h) Places of worship.

(Code 1980, § 22-88; Code 1995, § 24-88)

Sec. 24-89. - Conditional uses permitted by special exception.

(a) Racetracks, riding schools, when located on premises abutting on a primary state highway and subject to three times the distance requirement of section 24-10.

(b) Airports and landing fields, subject to three times the distance requirements of section 24-10; and provided, that the approaches to landing strips shall not be over any R district, or any school, place of worship, or any institution for human care or any place of public assembly, for a distance of at least one mile and a width of one-half mile.

(c) Sand, gravel or clay pits, quarries, mines and other extractive operations including topsoil removal; provided:

(1) The excavations are at least 100 feet from any R district, and are accessible from a general traffic thoroughfare without traversing any local residential street in an R district.

(2) The special requirements in section 24-103 shall be complied with in addition to any others ordered by the board in accordance with section 24-116(c).

(d) Commercial outdoor marine recreation areas, involving principally the use of natural water resources such as boat harbors, bathing beaches and fishing areas. Such establishments shall have a minimum of ten acres of land area and 300 feet of water frontage and shall comply with at least three times the distance requirements of section 24-10.

(e) Par-three or "pitch and putt" golf course, including golf driving ranges and miniature golf courses when operated in conjunction with par-three or "pitch and putt" golf course. Such establishments shall have a minimum of 12 acres of land area and a length of 900 yards for a nine-hole course or a minimum of 22 acres of land area and a length of 1,800 yards for an 18-hole course, and shall comply with at least twice the distance requirements of section 24-10, except that such distances may be reduced by the board when their

findings under section 24-116(c) indicate that, because of exceptional circumstances, persons residing or working in the neighborhood will not be adversely affected.

(f) Commercial golf courses, but not including any use first permitted in section 24-62.2(f). Such establishments shall have a minimum of 100 acres of land area and a length of 6,000 yards for an 18-hole course, and shall comply with the distance requirements of section 24-10, except that such distances may be reduced by the board when their findings under section 24-116(c) indicate that, because of exceptional circumstances, persons residing or working in the neighborhood will not be adversely affected. Any lighting of the course shall be arranged so as to direct the light and glare away from property in the neighborhood.

(g) Sand and gravel, washing and grading plant for the processing of materials extracted only from the premises on which the plant is located, when located at least 600 feet from an R district; the plant site shall not exceed five acres in area; the special requirements in section 24-103 shall be complied with, in addition to any others ordered by the board in accordance with section 24-116(c).

(Code 1980, § 22-89; Code 1995, § 24-89)

Sec. 24-90. - Accessory uses permitted.

(a) Accessory uses customarily incidental to permitted principal or conditional use on the same lot therewith, including among others:

(1) Accessory uses as permitted and as regulated in the A-1 district.

(2) The selling of bait and the selling or leasing of boats and fishing equipment.

(3) Refreshment stands; the seasonal sale of groceries and meat, and including meals, in connection with a seasonal principal use.

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

(5) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:

a. No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.

b. Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.

c. Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.

d. Parking: Parking shall be provided as required in section 24-96.

e. Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.

f. Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.

(Code 1980, § 22-90; Code 1995, § 24-90)

Sec. 24-90.1. - Development standards and conditions for permitted uses.

Refuse containers. Refuse containers shall be completely screened from view by means of an opaque fence or wall. Such containers shall be serviced only between the hours of 6:00 a.m. and 12:00 midnight.

ARTICLE XX. - I-1 INSTITUTIONAL DISTRICT; USES

Sec. 24-91. - Principal uses permitted.

(a) Penal or correctional institutions.
(b) Hospitals or institutions for the confinement of mental patients.
(c) Federal, state or municipal government buildings and establishments.
(d) Places of worship.
(Code 1980, § 22-91; Code 1995, § 24-91)

Sec. 24-92. - Accessory uses permitted.

(a) Accessory uses customarily incidental to a permitted principal use on the same lot therewith.
(b) A recycling collection facility operated by a not-for-profit or tax-exempt organization for a period not to exceed 30 days within any six-month period pursuant to a permit to be obtained from the director of planning or the director's designee. The facility shall meet or exceed the following criteria:
(1) No recycling facility may be situated on the same lot with a one-family dwelling when such dwelling is a principal permitted use.
(2) Area and site size: A recycling collection facility shall not exceed a maximum area of 972 square feet.
(3) Setbacks: Setbacks shall be as set forth in sections 24-94 and 24-101.
(4) Parking: Parking shall be provided as required in sections 24-96 and 24-101(e)(5).
(5) Exterior storage: Exterior storage shall not be permitted. Provisions shall be made for daily maintenance to ensure this requirement is met.
(6) Vehicular and pedestrian circulation: A recycling collection facility shall be located in a manner that does not impede or adversely affect vehicular or pedestrian circulation.
(Code 1980, § 22-92; Code 1995, § 24-92)

ARTICLE XXA. - OVERLAY DISTRICTS

Sec. 24-92.1. - Overlay districts in general.

(a) *Purpose of districts.* Overlay districts, as presented in this article, are created for the purpose of imposing special regulations in given designated areas of the county to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay, all other zoning districts so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this chapter. All regulations of the underlying zoning districts shall be applicable except as modified by the regulations imposed by the overlay district.
(b) *Establishment and mapping of overlay districts.* Overlay districts shall be established as set forth by this chapter in section 24-5 for the creation of zoning districts and in accordance with the provisions of state law. When so established, the boundaries of overlay districts shall be shown on the official zoning maps as provided in this chapter.
(Code 1980, § 22-92.1; Code 1995, § 24-92.1)

Sec. 24-92.2. - ASO airport safety overlay district.

(a) *Purpose of the district.* The purpose of this district is to regulate and restrict the height of permanent and temporary structures, objects and natural growth in the vicinity of Richmond International Airport ("airport") and to restrict the uses of land in the vicinity of the airport by prohibiting any use that would in any way interfere with aircraft landing, taking off or maneuvering with the intention of using such airport.
(b) *Boundaries of the district.* The boundaries of the ASO district shall conform to the limits of the horizontal surfaces, conical surfaces, primary surfaces, approach surfaces and transitional surfaces applicable to the airport. The definitions of these surfaces, including specific geometric standards which defined their

dimensions, are set forth in section 77.25, subpart C (Obstruction Standards) of title 14 of the Code of Federal Regulations or successor regulations. These surfaces shall be superimposed over the county zoning maps to delineate those areas covered by the ASO district.

(c) *District restrictions.*

(1) *Height limitations.* Except as otherwise provided in this section, no structures, objects or natural growth shall be permitted to penetrate the floor of any of the surfaces referenced in section 24-92.2(b).

(2) *Use limitations.* Notwithstanding any other provisions of this section, and within the area below the horizontal limits of any surface identified in section 24-92.2(b), no use may be made of land or water in such a manner as to:

a. Create electrical interference with navigational signals or radio communications between the airport and airborne aircraft;

b. Diminish the ability of pilots to distinguish between airport lights and other lights;

c. Result in glare in the eyes of pilot using the airport;

d. Impair visibility in the vicinity of the airport;

e. Create the potential for bird strike hazards; or

f. Otherwise in any way endanger or interfere with the landing or takeoff or maneuvering of aircraft intended to use the airport.

(d) *Existing uses.* These regulations shall not require the removal, lowering or other changes or alteration of any structure or vegetation that violates the provisions of this section at the effective date of the section.

(e) *Permits.*

(1) Any structure, object or natural growth that exists at the effective date of this section and which violates the provisions of this section shall be deemed a nonconforming use or structure and shall be subject to the regulations in sections 24-6, 24-7 and 24-8.

(2) No permit shall be issued for any construction within the ASO district except in accordance with section 24-107. If the director of planning is not satisfied that the proposed construction complies with all provisions of the ASO district, the director may consult with the FAA, the state department of aviation or the airport owner to determine whether any changes are necessary to bring the proposed construction into compliance with the provisions of this section.

(3) If the applicant for a permit which has been denied seeks a variance from the requirements of this section, no action shall be taken by the county on the variance request until the state department of aviation determines that the proposal will not adversely affect the operation of the airport and the safe, efficient use of navigable airspace above and around the airport.

(Code 1980, § 22-92.2; Code 1995, § 24-92.2)

Sec. 24-92.3. - West Broad Street overlay district.

(a) *Purpose.* The West Broad Street overlay district is hereby created to provide additional requirements for development in the West Broad Street corridor of the West End of the County in order to reduce traffic congestion, avoid distracting visual clutter, and preserve the aesthetic values of the district by:

(1) Encouraging a mixture of land uses with adequate buffering, screening and landscaping to help reduce the visual impacts of development.

(2) Encouraging well planned development sites.

(3) Protecting landowners from possible adverse impacts of adjoining development.

(4) Enhancing the appearance and environment of western Henrico County.

(5) Encouraging the timing and location of development consistent with available public facilities.

(b) *Boundaries.* The boundaries of the district shall be those of the "West Broad Street Special Strategy Area" in the 2010 Land Use Plan adopted by the Henrico County Board of Supervisors on December 13, 1995. The

district is generally comprised of the area on either side of the West Broad Street corridor west of the West Broad Street/Interstate 64 interchange to the Goochland County line. This area shall be superimposed over the County of Henrico Zoning Maps to delineate the district.

(c) *Prohibited uses.* The following uses are expressly prohibited within the district:

(1) Attention getting devices.

(2) Outside speakers which are audible beyond the property lines of the development.

(d) *Applicability of design standards.* All applications for development or redevelopment in the district filed after the establishment of the district must satisfy the design standards contained in subsections (e) through (i).

(e) *Design standards – Streetscape buffers.*

(1) Streetscape buffers with a minimum width of 35 feet shall be required for all new development and redevelopment on the portions of West Broad Street, North Gayton Road, future John Rolfe Parkway, Lauderdale Drive, Pouncey Tract Road, Pump Road and Three Chopt Road within the district. However, this requirement does not apply to single-family residential developments.

(2) Streetscape buffers shall contain the landscaping materials required in the underlying zoning district as well as both of the following:

a. An average of four trees for each 100 feet of road frontage, with the exception of driveways. Such trees shall be evenly spaced along the right-of-way frontage, located within ten feet of the edge of roadway pavement, and placed between the edge of roadway pavement and sidewalk if sidewalks are constructed parallel to the roadway. This requirement may be satisfied if such trees are located within the right-of-way instead of the streetscape buffer. Such trees shall be regularly trimmed so that the bottom six to eight feet of the tree trunk remains clear of branches and vegetation.

b. A continuous line of evergreen shrubbery planted along the entire length of the streetscape buffer not more than ten feet behind the trees along the right-of-way frontage. The shrubbery must be at least two feet high when planted and shall be regularly trimmed for appearance and height not to exceed 3½ feet.

(3) Vegetation planted in the streetscape buffer shall be of a type and/or positioned so as to not interfere with overhead or underground utility lines when fully grown.

(4) Streetscape buffers may also contain a sidewalk or trail, utility easements and signs.

(5) Streetscape buffers must be irrigated and properly maintained.

(6) Streetscape buffers shall adhere to all sight distance requirements as determined by the Department of Public Works or the Virginia Department of Transportation.

(f) *Design standards – Outparcel access.* There shall be no direct access onto adjacent public roadways from those outparcels which are part of a larger development site or shopping center.

(g) *Design standards – Signage.*

(1) Each parcel shall have an overall sign plan which requires a consistent sign style and specifies the size and color scheme for proposed signage.

(2) Identification signage located within the streetscape buffer shall be ground mounted, monument-style and shall not exceed ten feet in height.

(3) All signs within the West Broad Street overlay district must also satisfy this chapter's requirements for signs in the underlying zoning district.

(h) *Design standards – Architecture.*

(1) Consistent architectural style is required within individual shopping center sites, including outparcels.

(2) On properties zoned or used for office, commercial, industrial or multi-family residential use,

heating and air conditioning units, ventilation units, loading docks, trash containers and mechanical equipment shall be screened from view at the property line.

(i) *Design standards – Enhanced transitional buffers.*

(1) Parcels zoned for business or industrial use which abut properties with R-district zoning must provide an enhanced transitional buffer at least 15 feet wide in addition to the transitional buffer required under section 24-106.2.(3).

(2) Enhanced transitional buffers shall contain plantings which meet the plantings requirements in section 24-106.2.(3).

(j) *Exceptions.* The director of planning may approve development plans which deviate from the streetscape buffer or enhanced transitional buffer requirements if the site's topography, configuration, or other unique circumstances prevents full compliance with the requirements. In all such cases, the director of planning may impose conditions which will accomplish the purposes of the requirements to the maximum extent practicable.

(Code 1995, § 24-92.3; Ord. No. 937, § 3, 11-13-1996)

Sec. 24-92.4. – Innsbrook Redevelopment overlay district.

(a) *Purpose.* The purpose of the Innsbrook Redevelopment overlay district is to enhance and provide flexibility for redevelopment projects within the overlay district by:

(1) Using different minimum area requirements for Urban Mixed Use projects in accordance with section 24-34(a),

(2) Encouraging use of development policies adopted with the Innsbrook Area Study contained in the 2026 Land Use Plan adopted by the board of supervisors on September 14, 2010,

(3) Protecting landowners from possible adverse impacts of adjoining development, and

(4) Encouraging the timing and location of development consistent with available public facilities.

(b) *Boundaries.* The boundaries of the district shall be those areas identified as Land Bays A, B and C of the "Innsbrook Study Area" in the 2026 Comprehensive Plan. This area shall be superimposed over the county's zoning maps to delineate the district.

(c) *Building height.* Building heights shall be limited as follows:

(1) Buildings within 150 feet of a one-family dwelling existing on June 28, 2016, shall not exceed 45 feet in height except as provided in section 24-95(a)(1).

(2) Buildings more than 150 feet and up to 300 feet from a one-family dwelling existing on June 28, 2016, shall not exceed 80 feet in height except as provided in section 24-95(a)(1).

(d) *Internal circulation.* Properties within the overlay district shall provide vehicular and pedestrian circulation between adjacent properties unless otherwise approved by the director of planning due to design considerations such as utility conflicts, steep topography, or other factors. Copies of applicable cross access agreements shall be provided at the request of the director of planning.

(e) *Development standards.* Implementation of the development policies adopted with the Innsbrook Area Study is strongly encouraged.

Sec. 24-92.5. - Westwood Redevelopment overlay district.

(a) *Purpose.* The Westwood Redevelopment overlay district is hereby created to enhance and provide flexibility for redevelopment projects within the overlay district by:

(1) Providing alternative parking requirements for properties within the overlay district;

(2) Protecting landowners from adverse impacts of adjoining development;

(3) Ensuring adequate access for existing and future development; and,

(4) Encouraging the timing and location of development consistent with available public facilities.

(b) *Boundaries.* The boundaries of the district shall be those of the "Westwood Area Study" in the amendment to the 2026 Comprehensive Plan adopted by the board of supervisors on December 11, 2018. This area shall be superimposed over the county's zoning maps to delineate the district.

(c) *Provisional uses permitted.* The following are allowed by provisional use permit:

(1) Multifamily dwelling units in conjunction with nonresidential development permitted in the district.

(2) Uses and structures that would not otherwise comply with the setback and height provisions of Section 24-94.

Each application for a provisional use permit shall include a master plan showing the location and height of all existing and proposed structures, public and private streets, parking spaces, the developer's architectural design requirements, pedestrian accommodations, open space, landscaping, buffers, and site lighting.

(d) *Alternative parking requirements*. In lieu of compliance with the parking requirements of section 24-96, a development or redevelopment, after the establishment of this overlay district, may provide parking in compliance with the following requirements:

(1) Each parking space allocated to the property must be located within 1,000 feet of the main entrance of the building to which it is allocated, measured along an accessible walking path.

(2) A parking study submitted with a master plan containing the information for master plans in subsection (c) must show that the parking allocation for the development is not likely to conflict on a regular basis with the parking allocation for other properties within the overlay district, based on the manner and time of parking for other properties. The parking study must be prepared by a licensed engineer and must show the number of parking spaces required and provided for the proposed development. The parking study may consider the use of on-street parking and the use of shared parking under shared parking agreements. Such agreements shall be included with the parking study.

(e) *Development standards*. All development or redevelopment, after the establishment of the overlay district, shall meet the following development standards:

(1) *Traffic Circulation.* Vehicular and pedestrian circulation shall be provided between adjacent properties unless otherwise approved by the director of planning due to design considerations such as environmental features, steep topography, or utility conflicts. Copies of cross-access agreements shall be provided at the request of the director of planning.

(2) *Sidewalks.* Sidewalks shall be provided along all public streets contiguous to a proposed development. Sidewalks on the opposite side of the street shall not satisfy this requirement.

ARTICLE XXI. - HEIGHT, LOT, YARD AND BUILDING REGULATIONS

Sec. 24-93. - General requirements.

(a) No building shall exceed the height regulations specified in this article.

(b) Every building or group of buildings, together with its accessory buildings, shall be located on a lot having at least the area, width and yards prescribed herein.

(c) No lot shall be reduced in area to less than the area and width prescribed herein, or so as to cause any yard or court to be less than the minimum required herein. If any lot, yard or court is already less than required herein, it shall not be further reduced.

(d) No part of a yard or court provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or court required under this chapter for another building.

(e) Except as otherwise provided herein, no lot shall contain more than one dwelling, and no building in the rear of a principal building on the same lot shall be used for dwelling purposes.

(Code 1980, § 22-93; Code 1995, § 24-93)

Sec. 24-94. - Table of regulations.

(See section 24-95 for additional requirements, exceptions and modifications.)

		Min. Lot Area		Minimum		Min. Side Yard		Minimum	
District and Use	Maximum Height (ft.)	Total (sq. ft.)	Per Family (sq. ft.)	Lot Width (ft.)	Front Yd. Depth (ft.)	Least Yard(c) (ft.)	Sum of Yards (ft.)	Rear Yd. Depth (ft.)	Finished Floor Area (sq. ft.)
R-0 district									
Dwellings	40(dd)	1 acre	1 acre	200	50(aa)	20(aa)(bb)	50(aa)	50(aa)	2000(j)(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses except as otherwise specified	45	1 acre		200	50	40	80	50	
R-0A district									
Dwellings	40(dd)	35,000	35,000	175	50(aa)	20(aa)(bb)	50(aa)	50(aa)	1900(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses except as otherwise specified	45	1 acre		200	50	40	80	50	
R-1 district									
Dwellings	40(dd)	25,000	25,000	150	50(aa)	20(aa)(bb)	50(aa)	50(aa)	1700(k)(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	

Other permitted uses	45	1 acre		200	50	40	80	50	
R-1A district									
Dwellings	40(dd)	21,500	21,500	125	45(aa)	15(aa)(bb)	40(aa)	45(aa)	1600(u)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Schools	45	5 acres		400	50	40	80	50	
Other permitted uses	45	1 acre		200	50	40	80	50	
R-2 district									
Dwellings	40(dd)	18,000	18,000	100	45(aa)	15(aa)(bb)	35(aa)	45(aa)	1500(l)(u)
Places of worship and other assembly uses	45	1 acre		150	45	25	50	45	
Schools	45	5 acres		400	45	25	50	45	
Other permitted uses	45	20,000		100	45	20	40	45	
R-2A district									
Dwellings	40(dd)	13,500	13,500	80	45(aa)	12(aa)(bb)	30(aa)	45(aa)	1300(n)(u)
Places of worship and other assembly uses	45	1 acre		150	45	25	50	45	
Schools	45	5 acres		400	45	25	50	45	
Other permitted uses	45	20,000		100	45	20	40	45	
R-3 district									
Dwellings	40(dd)	11,000	11,000	80	40(aa)	12(aa)(bb)	30(aa)	40(aa)	1100(i)(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	

R-3A district									
Dwellings	40(dd)	9,500	9,500	70	35(aa)	10(aa)(bb)	25(aa)	35(aa)	1050(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	
R-4 district									
Dwellings	40(dd)	8,000	8,000	65	35(aa)	10(aa)(bb)	25(aa)	35(aa)	1000(o)(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	
R-4A district									
Dwellings	40(dd)	7,750	7,750	60	35(aa)	8(aa)(bb)	20(aa)	35(aa)	950(u)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
Schools	45	5 acres		400	40	25	50	40	
Other permitted uses	45	20,000		100	40	20	40	40	
R-5A district									
2-family dwellings	40(dd)	11,250	5,625	80	35(aa)	12(aa)(bb)	24(aa)	35(aa)	700(m)
Places of worship and other assembly uses	45	1 acre		150	40	25	50	40	
R-5 district									
3 or more family dwellings	45(b)	12,000	3,000	100	35(cc)	25(cc)	50(cc)	30(cc)	500(m)
Boardinghouses	40	7,500	7,500	60	45	8	20	35	900(o)
Places of worship and	45	1 acre		150	50	40	80	50	

other assembly uses									
Other permitted uses	45(b)	16,000		100	35(p)	20(p)	40(p)	35(p)	
R-6 district									
3 or more family dwellings	80(b)	40,000	2,200	150	35(cc)	25(cc)	50(cc)	30(cc)	500(m)
Boardinghouses	40	7,500	7,500	60	45	8	20	35	900(o)
Places of worship and other assembly uses	45	1 acre		150	50	40	80	50	
Other permitted uses	45(b)	16,000		100	35(p)	20(p)	40(p)	30(p)	
A-1 district									
Dwellings and manufactured homes	40(dd)	1 acre	1 acre	150	50(aa)	20(aa)(bb)	50(aa)	50(aa)	900(o)(u)
Places of worship and other assembly uses	45	2 acres		200	50	40	80	50	
Other permitted uses, except as otherwise specified	45	5 acres		400	50	40	80	50	
O-1 district									
Offices	30(v)	16,000		100	40	20	40	40	
Other permitted uses	30(v)	16,000		100	50	20	40	50	_____
O-2 district									
Offices	45(w)(x)	16,000		100	35(y)	20(y)	40(y)	35(y)	
Other permitted uses	45(w)(x)	16,000		100	40(y)	20(y)	40(y)	50(y)	_____
O-3 district									
Offices	110(b)(w)	25,000		100	35(y)	15(y)	40(y)	40(y)	
Other permitted uses	110(b)(w)	25,000		100	35(y)	15(y)	40(y)	40(y)	
B-1 district									
Dwellings,			Same						

boardinghouses			as in R-6 district						
Other permitted uses	35				25(d)	none (e)		40(s)	
B-2 district									
Dwellings, boardinghouses			Same as in R-6 district						
Hotel, motel, motor lodge, motor hotel	45(b)	20,000		100	25	15	30	40(s)	
Other permitted uses	45(b)				15(d)	none(e)(q)		40(s)	
B-3 district									
Dwellings, boardinghouses			Same as in R-6 district						
Hotel, motel, motor lodge, motor hotel(b)	45(b)	20,000		100	25	15	30	40(s)	
Other permitted uses	45(b)(z)				15(d)	none(e)(q)		40(s)	

	Maxium	Minimum	Minimum Side Yard		Minimum
District and Use	Height (ft.)	Front Yard Depth (ft.)	Least (c)(q) (ft.)	Sum of Yards (ft.)	Rear Yard Depth (feet)
M-1 district	45(b)	25	none(f)		30(h)(r)(s)
M-2 district	50(b)	25	none(f)		30(h)(r)(s)
M-3 district	60(b)	25	none(f)		30(h)(r)(s)
C-1 district	35(a)	50	25	50	50
I-1 district	50	200	100	200	200

(a) Farm and public utility structures may be constructed to any necessary height, when located as

far from all lot lines as the height of the structure.

(b) Buildings up to 110 feet in height may be permitted by special exception. Buildings or structures up to 200 feet in height may be permitted by provisional use permit. Buildings or structures for stadiums, racetracks and coliseums may be any height permitted by provisional use permit.

(c) For additional regulations applying to corner lots, see section 24-95(k).

(d) Or greater where specified elsewhere in this chapter.

(e) Except adjoining any R district, in which case not less than 15 feet.

(f) Except adjoining any R district, in which case not less than 25 feet.

(g) Reserved.

(h) Except adjoining any R district, in which case not less than 50 feet.

(i) Finished floor area for one story dwellings may be 1,000 square feet.

(j) Finished floor area for one-story dwellings may be 1,800 square feet.

(k) Finished floor area for one-story dwellings may be 1,600 square feet.

(l) Finished floor area for one-story dwellings may be 1,400 square feet.

(m) Total floor area, each dwelling unit, except as otherwise permitted by this chapter.

(n) Finished floor area for one story dwellings may be 1,200 square feet.

(o) Finished floor area for one-story dwellings may be 900 square feet.

(p) Except adjoining any R district, in which case the setback shall be increased as required by section 24-94.1.

(q) Side yard width to be increased as required by section 24-94.1.

(r) Except equivalent rear yard may be provided elsewhere when it is necessary to accommodate railroad siding to premises in rear yard, or rear yard adjoins railroad right-of-way equal to rear yard requirements.

(s) Except that equivalent rear yard depth may be provided in side yard width except adjoining an R district.

(t) Parking in minimum side yards is prohibited except adjoining B or M districts.

(u) A maximum of one-third of the total floor area of the dwelling may be contained in unfinished rooms capable of being made livable floor area.

(v) Any building or part of a building within 100 feet of any R district shall not exceed 25 feet in height.

(w) Any building or part of a building within 100 feet of any R district shall not exceed 40 feet in height.

(x) Buildings up to 110 feet in height may be permitted by special exception.

(y) Setback requirements for buildings in excess of 45 feet in height shall be determined from standards for tall buildings in section 24-94.1.

(z) Greater heights may be permitted by provisional use permit as provided in section 24-62.2(k).

(aa) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 35 feet; if the front, rear, or side yard is adjacent to a minor collector or major collector identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 25 feet. The increased setback may be divided between the residential lot and any common area immediately adjacent to the projected right-

of-way. The increased setback may be reduced only if approved by the planning commission as an exception under section 19-4(a).

(bb) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the side yard is adjacent to any public road there shall be a minimum 25-foot setback from the right-of-way of the public road.

(cc) For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers relating to setbacks or buffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, where the front, side, or rear yard is adjacent to a major arterial, minor arterial, major collector, minor collector or controlled access roadway identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater, the setback shall be increased by 15 feet.

(dd) For any lot or parcel created prior to January 1, 1960, the maximum building height shall be 35 feet by right and 40 feet if approved by provisional use permit.

(Code 1980, § 22-94; Code 1995, § 24-94; Ord. No. 957, § 6, 8-13-1997; Ord. No. 1010, § 3, 4-24-2001; Ord. No. 1026, § 4, 3-26-2002; Ord. No. 1091, § 10, 11-14-2006; Ord. No. 1111, § 10, 8-14-2007)

Sec. 24-94.1. - Yard and setback standards for tall buildings.

For buildings in excess of 45 feet in height, interior side and rear yard setbacks shall be increased over that required for 45-foot buildings by six feet for each additional ten feet of height or any portion thereof over 45 feet. The required front or side yards along a street shall be increased over that required for 45-foot buildings by seven feet for each additional ten feet of height or any portion thereof over 45 feet. Portions of the building not exceeding 20 feet in height may project into and occupy no more than 25 percent of the area of the increased yards required by this section. Accessory structures may occupy any part of the increased yards required by this section, provided, in all cases, that other requirements of these regulations are complied with.

(Code 1980, § 22-94.1; Code 1995, § 24-94.1; Ord. No. 1010, § 4, 4-24-2001; Ord. No. 1091, § 11, 11-14-2006)

Sec. 24-95. - Additional requirements, exceptions and modifications.

(a) *Height limitations and supplementary requirements for communication towers:*

(1) The height limitations of this chapter do not apply to the following structures or uses, provided any such structure or use does not penetrate the floor of any surfaces regulated in the ASO district by section 24-92.2 or exceed 50 feet in any R district and 100 feet in any other district, except for airport approach zones, and unless a greater height is authorized as a special exception by the board of zoning appeals.

a. Belfries; chimneys and flues; spires, minarets or similar architectural features of places of worship; cooling towers; elevator penthouses; fire, bulkhead and parapet walls extending no more than four feet above the limiting height of the building; flagpoles; ornamental towers and spires; domes; cupolas; roof-mounted mechanical equipment such as heating, air conditioning, ventilating, solar collector panels and similar equipment for the operation and maintenance of the building when not exceeding 25 percent of the roof area; public monuments; silos and grain dryers; smokestacks; stair towers; tanks; water towers and standpipes; windmills and similar structures.

b. Electric power structures and lines, derricks or other necessary industrial, utility or public service structures except communication towers and antennas as regulated by subparagraph (3)

of this subsection.

(2) Communication towers and antennas located within the ASO district shall be subject to the limitations contained in sections 24-92.2(c)(1) and 24-92.2(c)(2) as well as the height limitations contained in subsection (3) below.

(3) Unless otherwise permitted by any provision of this chapter, communication towers and antennas shall be limited to a height of 100 feet in any M district and 50 feet in any other district, unless a greater height is authorized pursuant to the approval of a provisional use permit by the board of supervisors in accordance with sections 24-120 and 24-122.1 of this chapter and the following additional requirements:

a. A site plan to scale shall be filed with the application for a provisional use permit submitted to the director of planning and shall include the location of towers, guy anchors when used, buildings, other accessory uses, vehicular access, parking, fencing and screening, landscaping, zoning, ownership and use of adjoining properties and any other information deemed appropriate by the director of planning.

b. Certification by the manufacturer or an engineering report by a Virginia-registered structural engineer shall be filed by the applicant indicating the tower height and design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated and demonstrating to the satisfaction of the building official that all structural requirements and other safety considerations set forth in the BOCA Basic Building Code and section 222(D) of the standards adopted by the Electronics Industries Association, or any amendments thereof, can be met. This information shall be filed with the provisional use permit application.

c. A licensed professional engineer primarily experienced with the design and operation of communication towers and antennas shall certify at the time of application that the NIER (nonionizing electromagnetic radiation) emitted from the facility will not result in a level of exposure at any point beyond the property line of the facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the federal government or by the American National Standards Institute. Exceptions to this requirement may be authorized by the director of planning for low power transmission facilities such as two-way radio, telephone (cellular and VHF), microwave, government communication equipment and similar type transmitters.

d. Verifiable evidence from the applicant of the lack of space on suitable existing towers, buildings or other structures to locate the proposed antennas and the lack of space on existing tower sites to construct a tower for the proposed antennas within the anticipated service area shall be considered in the review of the provisional use permit application for any new tower.

e. Development standards and conditions:

1. The minimum setback from the base of the tower to any property line adjacent to any R district and the distance from any dwelling on any lot used for dwelling purposes other than a lot in any R district shall be equal to 110 percent of the proposed tower height. The minimum yard depth from other property lines shall be 50 feet unless a greater setback is required as a condition of approval due to icing potential or other circumstances adversely affecting the public health, safety or welfare.

2. More than one tower may be permitted on the site, provided all minimum yard depths, design and plan requirements are met.

3. Towers shall be painted in accordance with the requirements of the Federal Communications Commission or the Federal Aviation Administration; provided, however, if there are no applicable regulations of the Federal Communications Commission or the

Federal Aviation Administration, then towers 200 feet or less in height shall have a galvanized finish or be painted silver or light blue.

4. Lighting, beacons and/or other safety devices shall be provided only if required by the Federal Communications Commission or the Federal Aviation Administration.

5. No commercial advertising material or signs shall be allowed on a communication tower or portion thereof.

6. Landscaping and screening shall be provided and maintained in accordance with any applicable provisions of this chapter and additional landscaping plan submitted to and approved by the director of planning.

7. Should the regulations and requirements of this subsection conflict with any regulation of the Federal Communications Commission or the Federal Aviation Administration, then the regulations of the Federal Communications Commission and the Federal Aviation Administration shall govern.

(4) Except as restricted within ASO district, communication towers and antennas as principal or accessory uses may be placed on the roof or otherwise attached to a building or structure as follows:

a. No such antenna, except for home use, shall be placed on the roof of any residential building less than three stories (45 feet in height).

b. The total area devoted to placement of communication antennas and permitted roof-mounted mechanical equipment shall not exceed 25 percent of the roof area of the building or structure.

c. The height of the attached antenna or dish measured from the peak of the roof shall not exceed 20 feet or 25 percent of the building height, whichever is greater.

d. The diameter of roof-mounted dish antenna shall not exceed 15 percent of the building height. More than one antenna shall be permitted, provided that no dish shall be visible from front yard areas and the color, location and design do not detract from the character and appearance of the building and surrounding property.

e. Exceptions to any of the above regulations in this subparagraph (4) may be authorized as a special exception by the board of zoning appeals.

f. Antennas as permitted by this paragraph shall meet all structural and safety requirements to the satisfaction of the building official in accordance with the standards of the BOCA Basic Building Code and section 222(D) of the Electronic Industries Association or any amendment thereof, and shall be in accordance with the regulations and requirements of the Federal Communications Commission or the Federal Aviation Administration.

(b) *Exceptions to section 24-94.* Where a lot of record at the time of the effective date of this chapter or of any amendment thereto has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other lot, parcel or tract adjacent thereto, or where a lot is part of an officially or tentatively approved or recorded subdivision, said lot may nonetheless be used for a one-family dwelling, subject to the conditions hereinafter specified, provided such one-family dwelling be otherwise permitted in such district; except that any lot having less than the minimum area or width specified below shall not be used except under a variance authorized by the board of appeals.

District	Minimum Area (sq. ft.)	Minimum Lot Width (ft.)
(1) R-0	25,000	100
(2) R-1	15,000	80
(3) R-2	11,000	65
(4) R-2A	10,000	65

(5) R-3	8,000	65
(6) R-4	6,000	50
(7) R-5	6,000	50
(8) Agricultural	30,000	150

(c) *Conditions.*

(1) On any such lot less than 150 feet wide, the sum of the side yards may be reduced to not less than 30 percent of the lot width, and the least side yard may be reduced to not less than ten percent of such lot width, provided no side yard shall be less than seven feet wide. Corner lots shall be subject to the additional requirements of subsection (k) of this section.

(2) The rear yard on any such lot less than 150 feet deep shall not be less than 25 feet.

(3) On any such lot the minimum finished floor area shall conform to the requirements listed in section 24-94.

(4) On any such lot the minimum front yard depth shall be 35 feet, or as shown on such plat, or that which was established as a condition of tentative or final approval, whichever is greater.

(5) Any such lot shall have a maximum building height of 35 feet. Building height up to 40 feet may be approved by provisional use permit.

(d) *Lots without public water and sewer.*

(1) Where any parcel or lot is not served by either public water supply or public sewer, the minimum area and width of such lot or parcel on which a building may be erected shall be one acre and 150 feet, respectively, except where greater requirements are specified elsewhere in this chapter.

(2) Where public water is available but not sewer, a lot or parcel on which a building may be erected shall have a minimum area of 18,000 square feet and a minimum width of 100 feet.

(3) Where public sewer is available but not public water, a lot or parcel on which a building may be erected shall have a minimum area of 8,000 square feet and minimum width of 50 feet.

(4) For two-family dwellings all requirements shall be increased 50 percent.

(5) Apartment buildings must be served by water and sewer.

(6) In any R district, all dwellings and other buildings designed or intended for human occupancy must be served by an approved method of disposal of human excrement as defined in section 23-31(1)a and (1)b of this Code, as amended.

(e) *Exceptions to subsection (d) of this section.* Where a lot of record at the effective date of this chapter has less area or width than herein required in the district in which it is located and the owner of such lot does not own any other lot, parcel or tract adjoining thereto, or where a lot is part of an officially or tentatively approved or recorded subdivision, the minimum lot area and width required for a single-family dwelling lot under subsection (d) of this section:

(1) Shall be reduced to 15,000 square feet and 80 feet, respectively, where neither public water nor public sewer is available;

(2) Shall be reduced to 11,000 square feet and 65 feet, respectively, where public water is available but not sewer;

provided, however, that any such lot is certified by the county health department to be large enough, considering its particular location, soil characteristics, etc., to satisfy all applicable requirements concerning water supply and disposal of sanitary wastes.

(f) *Reverse corner lots.*

(1) In determining the front yard for a building, the side yard on a reversed corner lot shall not be a factor.

(2) If a reversed corner lot is resubdivided to front on the street on which it originally sided, it shall

observe the front yard requirements of both streets.

(g) *Front yards for cemeteries and graveyards.* The minimum front yard regulation for buildings shall apply also to all graves in new or existing cemeteries and graveyards, except where existing graves are closer to the road in which case any new graves may be located as close as the closest existing grave.

(h) *Measurement of yards.*

(1) The minimum front yard depths specified herein, and the minimum widths of side yards on the street sides of corner lots, shall be measured from the existing street right-of-way line except where a street is designated for widening or extension as indicated on the county major thoroughfare plan component of the comprehensive plan, in which case the measurement shall be taken from the future right-of-way line. In determining the location of such future right-of-way line, it shall be assumed that the street is to be widened equally on both sides of the established centerline to the full width designated by the major thoroughfare plan, unless there is on file with the director of planning an attested copy of an officially adopted detailed plan for such street widening, extension or location, in which case the latter shall control. In no case shall any street in an A or R district be considered for the purpose of this section as having a right-of-way less than 50 feet unless otherwise approved by the county engineer pursuant to the Department of Public Works Cross-Section Pavement Design Standards dated October 14, 1981.

(2) For nonresidential uses any portion of a lot which is zoned C-1 conservation district may be included in the computation of the minimum front, side and rear yard requirements.

(3) Notwithstanding the minimum yard depths required for a lot used for dwelling purposes, no dwelling or house trailer may be located any closer to a C-1 district boundary line than the minimum side yard width otherwise required for the lot or ten feet, whichever is greater.

(4) Each yard shall be measured horizontally to the nearest point of the building or use area, except for allowable projections.

(i) *Buildings and projections in yards.* The following buildings, parts of buildings and uses may occupy or project into required minimum yards as indicated:

(1) *Into any yard.* Cornices, eaves, sills, leaders, belt courses 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) *In a rear yard of a one-family or semidetached dwelling.* Any accessory use or detached accessory building or structure is permitted subject to the following:

a. In an R district, the buildings or structures in the aggregate may not occupy more than 30 percent of the required minimum rear yard for the district. Unless otherwise provided by this chapter, accessory buildings located on any other lot or parcel may occupy in the aggregate not more than 30 percent of the actual rear yard area. In calculating the rear yard coverage, structures at or below grade and aboveground swimming pools four feet or less in depth and 24 feet or less in diameter shall not be included in the 30 percent coverage permitted in both of the above situations.

b. The buildings or structures shall not exceed 20 feet in height.

c. The buildings or structures must be located not less than ten feet from the nearest point of the principal use or building and a minimum of six feet from any other detached building or structure.

d. The buildings or structures shall be located not less than ten feet from all street and alley lines, not less than three feet from all other lot lines unless otherwise provided by this chapter

(see also subsection (k) of this section), and shall not be located within county easements. However, a building or structure may be located within a special flood hazard area or drainage and utility easement in the special flood hazard area if it is located to not interfere with the construction, operation or maintenance of any existing or planned facility therein as determined by the director of the department responsible for the facility.

e. On double frontage lots accessory buildings must meet the front yard setback at the rear of the principal building unless a planting strip easement is provided in accordance with chapter 19 of the County Code.

f. Accessory swimming pools, open and unenclosed, may occupy a required rear yard, provided they are located not less than ten feet from the nearest point of the principal building, not less than ten feet from any street or alley, not less than six feet from the rear lot line or less than ten feet from a side lot line measured from an interior pool wall (see also subsection (k) of this section), and are not located within county easement. However, an accessory swimming pool may be located within a special flood hazard area or drainage and utility easement in the special flood hazard area if it is located to not interfere with the construction, operation or maintenance of any existing or planned facility therein, as determined by the director of the department responsible for the facility.

g. Accessory uses other than buildings or structures may occupy all or part of a rear yard or side yard.

h. No accessory building on the same lot as a one-family or semidetached dwelling shall be occupied for dwelling purposes, except as provided in section 24-13(b) and (c).

(3) *Location in any yard for other permitted uses unless otherwise provided by this chapter.* Uses, buildings and structures accessory to principal permitted uses shall observe the same required minimum yards for the principal use, building or structures, except for the following:

a. Convenience stations, including, but not limited to, bus shelters, public telephone stations, gatehouses and guard stations (for security or aesthetic purposes), may be located in any yard. Such convenience stations shall not exceed 15 feet in height. Any necessary vehicular stopping, standing or parking areas must be provided off of the public right-of-way. The convenience station shall not obstruct vision in a sight distance triangle and shall not be located within any county easement.

b. Accessory structures or uses incidental and customary to the recreational use or aesthetic enjoyment of water resources, such as lakes, ponds, streams and rivers, may be located in any yard which adjoins the open water; provided, that the location also complies with any other applicable laws.

(4) *In the side or front yard of a one-family, two-family, or semi-detached dwelling.*

a. Detached accessory buildings or structures, including swimming pools, may be approved by conditional use permit.

b. In a subdivision approved prior to January 1, 1960, a front porch on a one-family dwelling may extend into the front yard setback up to eight feet, provided the porch is no wider than the front of the dwelling.

(j) *Attached accessory buildings.* A private garage or other accessory building may be attached to the principal building if made integral therewith, or may be attached thereto by a covered passageway not less than ten feet wide. No such accessory building shall occupy any portion of a minimum required front, side or rear yard, nor shall it exceed the height of the main building.

(k) *Side yard on corner lots.* On each corner lot on which a side yard is required the minimum yard on the street side shall not be less than ten feet, except that on a reversed corner lot which rears upon the side lot line of another lot, either directly or across any alley, the minimum yard on the street side shall not be less

than 25 feet, provided that this regulation shall not be applied so as to reduce the buildable width of a lot of record at the effective date of this chapter to less than 50 percent of its width. Any building in the rear yard of such corner lot shall be set back to the full front yard depth for the lot in the rear plus 20 feet, provided no setback of more than 65 feet shall be required, and it shall be located at least as far from the common lot line as is required for a minimum side yard on the lot in the rear.

(l) *Fences, walls or hedges.*

(1) *Height measurement.* The height required and/or permitted by any provision of this chapter for a fence, wall, hedge or screening in any yard shall be measured from the average finished yard grade at the base of the structure or planting to the top. Posts or columns extending above and supporting a fence or wall may be excluded from the height measurement when, in the opinion of the director of planning, such extension is for engineering, architectural and ornamental purposes relating to the elevation design of the fence or wall.

(2) *Planting strip easement.* Pursuant to the provisions of chapter 19 requiring a planting strip easement on lots abutting a major street as identified on the major thoroughfare plan having a projected right-of-way of 60 feet or greater, a fence, wall or hedge may be permitted in addition to required landscaping in the planting strip easement as follows:

a. Seven feet in height in the rear yard of double frontage lots when the rear yards abut the major street; and seven feet in height along the street side lot line of a corner or reversed corner lot to the front lot line, provided adequate sight distance is maintained as required in subparagraph (3) of this subsection.

b. The location, design, height and elevation details of the fence, wall or hedge and any required supplemental or existing landscaping to be retained shall be provided on a landscaping plan to be approved by the director of planning or, if required, by the planning commission prior to any of the following three occurrences:

1. Recordation of the lots;

2. Issuance of any occupancy permits; or

3. Beginning any work within the planting strip easement.

c. The planning commission in accordance with this paragraph, pursuant to the review and approval of a landscape plan, shall permit an alternative height exceeding seven feet, but not exceeding ten feet, for a fence, wall or hedge of uniform design, provided the permitted height and design does not adversely affect:

1. The health, safety and/or welfare of persons residing on or working on the premises;

2. The visibility or value of abutting and/or adjacent properties;

3. The adequate supply of light and air to adjoining property;

4. Traffic or pedestrian safety; and

5. Adequate sight distance as provided in subparagraph (3) of this subsection.

d. The owner(s) of any lot upon which the planting strip easement is located shall be responsible for the continued and proper maintenance of any portion of any yard, landscaping material and fence, wall or other improvements located within the easement on the lot.

e. For all residential developments which did not have a recorded subdivision, conditional subdivision approval, proffers approved as part of a rezoning case, an approved and valid plan of development, or an approved special exception as of March 26, 2002, no fencing adjacent to any road identified on the major thoroughfare plan and having a projected right-of-way of 60 feet or greater shall be located closer than 15 feet to the projected right-of-way if the fence height is greater than 42 inches.

(3) *Sight distance triangles.* Except as provided elsewhere in this chapter, and notwithstanding the applicable provisions of chapter 18 of the County Code, sight distance triangles shall be provided as

follows:

a. At the intersection of street right-of-way lines, including alleys and the curbline or pavement edge of entrances and exits, and a straight line connecting them at a point 20 feet away from the points of intersection; and

b. At the intersection of a street curbline or pavement edge and the edges of a private driveway to a one- or two-family dwelling and a straight line connecting them at a point ten feet away from the points of intersection unless a greater distance is required to be maintained for traffic safety.

c. Within such sight distance triangles, no fence, wall, hedge, structure or landscape planting which obstructs vision between a height of two feet, six inches and a height of eight feet above the established curb grade shall be permitted.

(4) *Reversed corner lot.* When the side lot line of a lot adjoins the rear lot line of a reversed corner lot or when the side lot line and rear lot line are separated by an alley, a seven-foot-high fence, wall or hedge may be permitted along either of the abutting or adjacent side and rear lot lines, provided adequate sight distance is maintained as required in subparagraph (3) of this subsection.

(5) *Business, office and industrial districts.* A fence, wall or hedge may not exceed the following height:

a. Ten feet in a side or rear yard; and

b. Three feet, six inches in a front yard, except where other provisions of this chapter may permit an alternate height along the side or rear lot line of the property for screening any adjoining R district or any adjoining lot used for dwelling purposes; or

c. The planning commission, pursuant to the review and approval of a landscaping plan, shall permit an alternative height exceeding three feet, six inches, but not exceeding ten feet, and a uniform design in the front yard or along the front lot line, provided the permitted height and design does not adversely affect:

1. The health, safety and/or welfare of persons residing on or working on the premises;

2. The visibility or value of abutting and/or adjacent properties;

3. The adequate supply of light and air to adjoining property;

4. Traffic or pedestrian safety; and

5. Adequate sight distance as provided in subparagraph (3) of this subsection.

d. The height of fences, walls or hedges for other permitted uses in this district shall be regulated by the provisions of subparagraph (7) of this section.

(6) *RTH residential townhouse, R-5, R-5A and R-6 general residence districts.* A fence, wall or hedge may not exceed a height of three feet, six inches in a front yard, six feet in a side yard, or seven feet in a rear yard of a townhouse for sale and/or detached or semidetached dwelling lot except as follows:

a. An alternative height of a fence, wall or hedge in any front yard of a townhouse for sale or detached or semidetached dwelling lot shall be permitted by the planning commission, pursuant to the review and approval of a landscape plan, which provides for a uniform design of fences, walls or hedges to be constructed on each lot within a grouping or block of units in the development; or

b. A fence, wall or hedge may not exceed a height of seven feet in a side or rear yard or along any side or rear lot line, and three feet, six inches in a front yard or along the front lot line of an overall development, except an alternative height exceeding three feet, six inches, but not exceeding seven feet, and of uniform design in a front yard shall be permitted by the planning commission, pursuant to the review and approval of a landscaping plan; and

c. Further provided, that the alternative permitted height and design in subparagraphs a. and b. above does not adversely affect:

1. The health, safety and/or welfare of persons residing on or working on the premises;
2. The visibility or value of abutting and/or adjacent properties;
3. The adequate supply of light and air to adjoining property;
4. Traffic or pedestrian safety; and
5. Adequate sight distance as provided in subparagraph (3) of this subsection.

d. The height of fences, walls or hedges for other permitted uses in this district shall be regulated by the provisions of subparagraph (7) of this section.

(7) *All other zoning districts.* A fence, wall or hedge may not exceed a height of three feet, six inches in a front yard or seven feet in a side or rear yard, except as follows

a. When the side lot line of a lot adjoins a business, office or industrial district, a seven-foot-high fence, wall or hedge may be permitted along the side lot line to within 15 feet of the front lot line, provided adequate sight distance is maintained as required in subparagraph (3) of this subsection; and a ten-foot-high fence, wall or hedge may be permitted in the side or rear yard if the fence, wall or hedge observes the same minimum required yard (setbacks) from the property line as is required for the principal structure in the district in which it is located.

b. The planning commission, pursuant to the review and approval of a landscaping plan, shall permit an alternative height exceeding three feet, six inches, but not exceeding seven feet, in the front yard or along the front lot line, provided the design does not adversely affect:

1. The health, safety and/or welfare of persons residing on or working on the premises;
2. The visibility or value of abutting and/or adjacent properties;
3. The adequate supply of light and air to adjoining property;
4. Traffic or pedestrian safety; and
5. Adequate sight distance as provided in subparagraph (3) of this subsection.

(8) *Maintenance.* Fences, walls or hedges as permitted, regulated and/or required by the provisions of this chapter, shall be continuously and properly maintained in good repair by the owner(s) of the lot.

(m) *Outside storage in R and A districts.* In all R or A districts, household appliances or furniture manufactured and sold for indoor use may not be placed in yards. In addition, building materials may not be stored outside a fully enclosed building unless such materials are being used on the lot for agricultural operations or substantial and continuing construction activities.

(n) *Double frontage lots.* Buildings on lots that extend through from street to street shall provide the required front yards on both streets, but need not provide the required rear yards in case an equivalent open space is provided in lieu thereof.

(o) *Floor areas, how measured.* Floor area shall be based on outside dimensions of walls enclosing usable finished floor space, and will not include unfinished storage space or attached storage buildings or garages.

(p) *Reserved.*

(q) *Controlled density development.*

(1) *Purpose.* The purpose of these controlled density development provisions is to provide alternative zoning regulations for lot area, width and minimum yards in various residential districts otherwise regulated by section 24-94 of this chapter and to prescribe a procedure for subdivision development in accordance with this chapter, chapter 10, article II and chapter 19 of the County Code. These provisions are intended to encourage originality and ingenuity in overall site design to promote:

a. Improved living environments;

b. Preservation of public and private open space to serve recreational needs or to further environmental, scenic or historic preservation purposes;

c. More economical subdivision design;

d. Protection of floodplains;

e. Protection and improvement of water quality, particularly within Chesapeake Bay Preservation Areas;

f. Tree preservation and appropriate landscaping; and

g. To provide suitable land for public schools, parks, recreational areas, highways and other public uses.

(2) *Approval procedure.*

a. In order to utilize the alternative requirements of these provisions, the owner or developer shall submit a concept plan for controlled density development for review of the land's suitability for controlled density development and its compliance with the review criteria and development standards of this subsection. The concept plan must be submitted with the application for a provisional use permit.

b. The concept plan and application shall be prepared to include the following:

1. Sufficient copies of the concept plan as determined by the director of planning.

2. A north arrow, the scale of the plan, the tax parcel number and date of the plan.

3. The location, width and names of existing or platted streets contiguous to and within 300 feet of the proposed subdivision.

4. The proposed location and width of streets in the proposed development.

5. The topography at vertical intervals of at least two feet and the location of existing physical features such as buildings, streams, drainage ditches, floodplains, land types defined as Chesapeake Bay Preservation Areas, and the location of other natural or physical features of the property required by proffered rezoning conditions or by other provisions of this chapter.

6. The layout, lot lines and approximate dimensions of proposed lots and density calculations.

7. The layout and area of property to be conveyed for public use or set aside by covenant for the common use of residents.

8. Other information when required by the director of planning to facilitate the plan review.

c. The application for conditional subdivision plat approval shall be submitted in accordance with both the provisions of chapter 19 of the County Code and this chapter. The planning commission shall review the application after the provisional use permit has been granted. Upon considering a report by the director of planning evaluating the concept plan pursuant to the purpose, review criteria and development standards of this subsection, and conditions of approval of the provisional use permit, the planning commission may authorize conditional approval of the plat for controlled density development or may modify the plat and impose such conditions deemed appropriate and necessary to ensure the spirit and intent of all requirements of controlled density development and of the provisional use permit are met. Controlled density subdivision plats may only be recorded and building permits approved for developments which were authorized for controlled density development by a provisional use permit or conditional or final subdivision approval on or before April 25, 2000.

(3) *Review criteria.* When acting on the conditional subdivision application for proposed controlled density development, the planning commission must ensure the following:

a. The proposed development shall be in harmony with the approved provisional use permit and with the purpose, goals, objectives, policies and standards of the comprehensive plan, including the environmental classification of the land use plan element.

b. The proposed use of land shall be in compliance with the provisional use permit and all applicable development standards and regulations of this chapter, chapter 10, article II and

chapter 19 of the County Code.

c. The proposed development shall be served adequately by essential public facilities and services, such as streets, public water and sewer, police and fire protection, schools, drainage facilities and similar services.

d. Individual building lots, streets, recreation areas and common areas shall be designed and situated so as to minimize alteration of desirable natural site features. Open space intended for the common use and enjoyment of residents shall be designed and located to enhance public safety, convenience and use and shall be easily accessible to residents and pedestrian traffic.

e. The useability of open space intended for common areas or public use shall be determined by the size, shape, topographic and location requirements of the particular uses proposed for the site.

f. Where present and practicable, common areas may include features located within the site such as, but not limited to, floodplains, wetlands, natural drainage areas and streams, lakes, ponds, stands of mature trees, steep slopes, components of resource protection areas and buffers.

g. The proposed development plan shall utilize best management practices during and after construction to protect water quality within the site and in particular Chesapeake Bay Preservation Areas.

h. The proposed development shall not result in the destruction, loss of or damage to natural, scenic or historic features designated by the board of supervisors to be significant resources.

(4) *Development standards.*

a. To be eligible for controlled density development, a tract of land shall contain at least 20 acres if common area is to be maintained by a homeowners' association. There is no minimum acreage requirement if common area will not be maintained by a homeowners' association. In calculating the minimum acreage of the tract, land encompassing floodplains, wetlands, Chesapeake Bay Preservation Areas and lands zoned C-1 conservation district may be included.

b. Building lots and public streets shall not cover more than 80 percent of the total gross area of the tract.

c. A minimum of 20 percent of the total gross area of the tract shall be devoted to common area for the common use and enjoyment of residents and/or public use areas to be dedicated to the county if accepted by the board of supervisors. Public use areas may include school sites, parks, recreation areas or streets proposed in the county's major thoroughfare plan which are not required for access to or development of the site or for other governmental purposes determined by the board of supervisors.

d. Public water and sewer shall be provided to each lot developed under these provisions. All new public service corporation utilities such as electric power, telephone, cable, television and gas shall be installed underground. Common areas may be used for public utilities but shall not be used for public service corporation easements unless common or shared easements for public service corporations are planned and designed with adequate width for utilities expected to occupy them and when included as part of the approved construction plan for the subdivision. All development activity within the easement(s) shall be coordinated by the public service corporations to minimize land disturbing activities. Subdivision construction plans shall describe how disturbed areas will be protected and restored in accordance with applicable provisions of this subsection, sections 24-106.2 and 24-106.3 of this chapter and chapter 10, article II of the County Code. After conveyance to a homeowners' association, the common area may be used for future public service corporation easements to serve permitted recreational facilities located within the common area subject to the requirements herein and approval of

appropriate plans by the directors of planning and public works/county engineer.

e. Development shall satisfy the minimum lot and yard requirements of paragraph (5) of this subsection.

f. Common area, open space and preservation requirements.

1. Except as herein provided, common areas and areas designated for public use shall be provided in one continuous parcel, designed and arranged in order to provide maximum use and accessibility to all residents of the subdivision or by the public if dedicated for public use and for further purposes of this subsection. Any street providing frontage to lots within the subdivision may be used to connect common areas or areas dedicated for public use. Common areas shall be designed with a minimum depth and width of 50 feet and an average depth and width of 200 feet. A minimum of 50 feet of street frontage shall be provided.

2. Common area within a block of land in which lots are located shall have at least one access strip in common area with not less than 50 feet of width and frontage on a street. The board of supervisors and/or planning commission may permit additional access strips not less than 20 feet in width and frontage on a street in accordance with the review criteria of this subsection. The common area access strips are intended for access to the common area, buffers and open space separations between groups of lots fronting along a street.

3. When recreational facilities are not included in the development, the common area shall contain land, other than floodplains, steep slopes, wetlands and components of resource protection areas, suitable for recreational uses such as playgrounds, ballfields and tennis courts unless otherwise regulated by any provision of this chapter. A minimum of five percent of the common area, exclusive of easements, shall be suitable for recreational use but not less than the following:

i. One acre with 150 feet average lot width for R-0, R-0A, R-1 and R-1A one-family residence districts;

ii. One-half acre with 100 feet average lot width for R-2, R-2A, R-3 and R-3A one-family residence districts.

4. Common areas shall be protected and maintained during the development process as required by the applicable provisions of sections 24-106.2 and 24-106.3 of this chapter and the erosion and sediment control ordinance, chapter 10, article II of the County Code. During the development process, common areas shall not be used for storing, filling or dumping of any materials and shall not be denuded, defaced nor otherwise disturbed without the prior approval of the appropriate county department and the director of planning. If disturbed, such areas shall be restored by the developer or owner to the condition existing prior to the disturbance including the removal of dead or damaged trees, stumps and remnants in accordance with an appropriate plan including performance guarantees approved by the director of planning.

5. Common areas where drainage and utility improvements are necessary, or when used for measures to control and manage stormwater, shall be improved and maintained by the developer or owner. Improper drainage and standing water other than of natural conditions and constituting a nuisance in the opinion of the director of public work/county engineer shall be corrected. All drainage and utility improvements, including appropriate erosion and sediment control measures, shall be completed and inspected prior to transfer of the common area to a homeowners' association. The developer or owner shall certify in writing to the director of public works/county engineer and director of planning that all improvements within the common area have been completed, inspected and are functioning according to approved plans.

6. Common areas shall be maintained by the developer or owner of the subdivision until the developer or owner conveys them to a homeowners' association whose members shall be all of the owners of lots in the subdivision. The common areas shall be held by the homeowners' association for use and enjoyment of its members. In the event the developer or owner conveys the common area to a homeowners' association, deed restrictions and covenants, in form and substance satisfactory to the county attorney of the county, shall provide that any assessments, changes and costs of the maintenance of the common areas shall constitute a pro rata lien upon the individual lots inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot.

7. Areas dedicated to the county for public use, other than streets dedicated by the subdivision plat, shall be conveyed to the county only in a manner and in a form approved by the county attorney.

8. Unless otherwise specifically approved by the board of supervisors, common area held by the homeowners' association shall not be separated from the subdivision lots they serve by a road which is classified on the major thoroughfare plan as a major collector or higher.

(5) *Table of lot and yard regulations.*

Maximum No. of Lots Per Acre (excluding floodplain)		Minimum Lot			Minimum Side Yards		
Maximum No. of Lots Per Acre (excluding floodplain)		Min. Lot Area (sq. ft.)	Min. Lot Width	Min. Front Yard	Least Yard	Sum of Yards	Min. Rear Yard
R-0	0.8	25,000	150	45	15	40	45
R-0A	1.0	21,500	125	45	15	40	45
R-1	1.4	18,000	100	40	12	30	40
R-1A	1.6	13,500	80	40	12	30	40
R-2	2.0	12,000	80	35	10	24	40
R-2A	2.5	10,000	70	35	8	22	35
R-3	3.0	8,000	60	30	8	20	35
R-3A	3.7	7,750	60	30	8	20	30

(r) *Flag lot regulations.* No flag lots shall be approved after August 10, 1999. Flag lots approved prior to August 10, 1999, shall be developed in accordance with the following regulations:

(1) Flag lots shall front on and be developed only along a public cul-de-sac street.

(2) For the purpose of measuring minimum lot area, the area within the access strip of land shall not be used.

(3) For the purpose of measuring minimum front yard depth (setback), the front yard of a flag lot shall be that portion which abuts the access strip of land. The access strip of land shall not be used to measure the minimum front yard depth (setback). The lot width shall be measured at the front building line.

(4) No more than four flag lots shall be developed along a public cul-de-sac street.

(5) Each flag lot shall abut a public cul-de-sac street a minimum distance of 20 feet.

(6) At least two off-street parking spaces shall be provided on each flag lot.

(s) *Zero lot line development for detached one-family housing in a subdivision of five or more lots subject to the*

following regulations:

(1) A side yard equal to the sum of the total side yard in the district in which located shall be provided for each lot.

(2) In no case shall the distance between two principal structures be less than 20 feet.

(3) The side yard for a zero lot line corner lot shall be on the street side.

(4) On any reverse corner lot, the minimum side yard setback shall not be less than 25 feet.

(5) A plat indicating the buildable area for each lot shall be submitted as a part of the final approval application.

(6) A reasonable and practicable easement to permit maintenance of all structures abutting a zero lot line shall be designated on the subdivision plat to be recorded and incorporated into each deed transferring title to the property.

(t) *Floodplain area not to be used in density calculations.* Notwithstanding any other provision of this chapter, bodies of water (lakes, ponds), submerged land (other than wetlands), and land within the special flood hazard area shall not be used in calculations of the number of dwelling units permitted in any residential district, and every lot must satisfy minimum lot size requirements exclusive of such areas.

(u) *Special yard and additional regulations for any lot used for dwelling purposes and having lot area in a special flood hazard area.*

(1) *New dwellings:*

a. Except as provided in subsection 24-34(q), no new dwelling or manufactured home may be located within the special flood hazard area as defined in section 24-3.

b. No new dwelling or manufactured home may be located any closer to a base flood hazard area than the minimum side yard width otherwise required for the lot or ten feet, whichever is greater in horizontal distance.

c. The elevation of the lowest floor, as defined in section 24-106.1(b), for any new dwelling or manufactured home shall be one foot above the base flood elevation if it is located closer to the special flood hazard area than the minimum rear yard depth required for the lot.

(2) *Existing nonconforming dwellings.* Any dwelling or manufactured home legally constructed prior to January 11, 1989, within the special flood hazard area or closer to the special flood hazard area than the minimum rear yard depth required for the lot may be improved, restored or reconstructed as provided in section 24-8.

(v) *Cul-de-sac lot regulations.* Development of cul-de-sac lots shall be in accordance with the following regulations:

(1) The minimum lot width shall be met at the actual front building line (extended to the side lot lines).

(2) At least two off-street parking spaces shall be provided on each cul-de-sac lot.

(3) The actual front building line for a cul-de-sac lot shall not vary by more than ten feet from the actual front building line on adjoining lots.

(4) No more than five cul-de-sac or stem lots shall be permitted on a street.

(5) Side lot lines shall be linear lines extended from the right-of-way of the cul-de-sac to the actual front building line (extended to the side lot lines).

(w) *Stem lot regulations.* Stem lots may be developed only if approved by the planning commission as an exception under subsection 19-4(c). Development of stem lots shall be in accordance with the following regulations:

(1) No more than five stem or cul-de-sac lots shall be permitted on a street.

(2) At least two off-street parking spaces shall be provided on each lot.

(3) No dwelling shall face any portion of the rear or side of any existing or proposed dwelling on an

adjacent lot.

(4) The area within the access strip shall not be used to meet minimum lot area requirements.

(5) Stem lots may be permitted at any point along a public cul-de-sac street.

(x) *Religious exercise.* The director of planning may modify any requirement of this chapter upon a showing that the requirement would impose a substantial burden on religious exercise.

(Code 1980, § 22-95; Code 1995, § 24-95; Ord. No. 923, § 1, 6-26-1996; Ord. No. 988, §§ 3—5, 8-10-1999; Ord. No. 1000, § 2, 4-25-2000; Ord. No. 1026, § 5, 3-26-2002; Ord. No. 1061, § 3, 11-25-2003; Ord. No. 1084, § 1, 1-24-2006; Ord. No. 1111, § 11, 8-14-2007; Ord. No. 1113, § 1, 10-9-2007; Ord. No. 1116, § 7, 11-27-2007; Ord. No. 1118, § 2, 11-27-2007; Ord. No. 1126, § 1, 10-14-2008)

ARTICLE XXII. - SUPPLEMENTARY REGULATIONS

Sec. 24-96. - Off-street parking requirements.

(a) In all districts, off-street parking areas shall be provided in connection with and as an accessory to each and every use on the premises to be served, except that in any B district or M district 50 percent of such parking areas may be located on other B district or M district premises immediately adjacent to the premises to be served and within 400 feet walking distance of the main entrance of the building to be served. Parking in an O-2 district and an R-6 district may be permitted for B district uses when the B district premises to be served is contiguous thereto. In any other district such parking area may be located on other premises by special exception or as otherwise provided in this section.

(1) *Spaces in parking decks.* Parking spaces may be supplied in parking decks subject to the following:

a. The number of parking spaces to be provided shall conform to subsections 24-96(b) and 24-101(e)(5).

b. For office buildings, the maximum number of parking spaces shall be computed by the following formula:

(Gross lot area ;times; 0.80)	-	1,000 sq. ft.
300 sq. ft.		

c. For shopping centers, the maximum number of parking spaces permitted in parking decks and/or surface parking shall be obtained from the graph in section 24-101, entitled "Parking Requirements for Shopping Centers."

d. Yard requirements and ground coverage:

1. Parking decks shall be construed as buildings and must meet yard requirements.

2. The ground coverage of parking decks shall be used in computation for percentage of ground coverage except for shopping centers. The ground coverage of buildings in a shopping center shall not exceed 35 percent of the total site area. In no case shall the ground coverage of the principal building exceed 25 percent of the total site area.

e. Additional spaces. Notwithstanding any other requirements of this chapter, the planning commission under a plan of development may authorize additional parking spaces exceeding those in section 24-96(a)(1). The intent of this provision is to permit additional parking spaces without permitting an increase in floor area of the principal use.

(2) *Mixed use and joint use parking facilities.* In any cases in which mixed uses with different parking requirements occupy the same building or lot or in the case of joint occupancy of a building or lot by more than one use in one or more buildings, the parking spaces required shall equal the sum of the requirements of the various uses computed separately except as follows:

a. The planning commission may authorize a reduction in the number of parking spaces

required by this chapter for certain mixed use developments when located on the same lot and accomplished pursuant to section 24-106. To be eligible for consideration, the applicant shall furnish sufficient verifiable evidence that uses sharing the same parking areas do not require the total number of parking spaces which would otherwise be required if computed separately because of such factors as variations in the peak parking demand of the uses, the differences in hours of operation and the complementary nature of the mixture of uses.

b. To be eligible for consideration of a reduction in required parking, a mixed use development shall consist of any combination of two or more of the following use groups:

1. Hotel(s), motel(s) and/or hotel(s) with restaurant, lounge, conference and/or convention facilities located within the same structure or in immediate proximity thereto.

2. Office building(s) containing at least 40,000 square feet of floor area devoted to office use.

3. Retail sales containing at least 20,000 square feet of floor area excluding shopping centers.

4. Restaurants, cocktail lounges, nightclubs and indoor dining rooms when not part of a hotel or motel.

5. Entertainment and recreational facilities such as theaters, nightclubs, physical fitness centers and auditoriums.

6. Public and private institutional uses such as schools, places of worship, libraries, parks, and recreational areas if appropriately zoned.

c. In no case shall the required parking be reduced to less than 70 percent of the total parking spaces otherwise required when computed separately for each use.

d. In shared parking facilities the reduced number of parking spaces shall be located within 400 feet of the entrance of the building to be served.

e. Notwithstanding any other provision of this chapter governing parking requirements, area(s) equal in size to the area which would otherwise be required for grade level parking and/or for a parking deck which will accommodate the total number of parking spaces, including aisles when computed separately for each use, shall be reserved on-site to accommodate additional parking resulting from a change of use or operating hours or any other factors requiring additional parking. The following conditions shall be met:

1. The reserved area(s) shall be designated on approved site plans and designed in a fashion that will accommodate construction of the required additional parking with a minimum of disruption if and when construction is necessary to meet the additional parking demand of the uses to be served.

2. The reserved area(s) shall be properly zoned to permit such use and designed to accommodate the additional parking in accordance with all requirements of this chapter. Such area(s) shall be retained as open space on the lot and landscaped accordingly and shall not be located in any area otherwise required for buffering, screening, landscaping or minimum yard area except as herein provided.

f. Assigned, executive or otherwise reserved parking spaces may be provided and designated only in excess of the herein required minimum shared parking spaces for mixed uses.

g. In the case of mixed uses with common facilities, including reduced shared parking facilities approved pursuant to this subsection, restrictive covenants and/or cross-access and joint parking agreements shall be submitted to the planning office for review and approval as to form and substance satisfactory to the county attorney and director of planning, respectively. Such approved agreement(s) shall be recorded prior to the issuance of any occupancy permit. The covenants shall, at a minimum, provide for the common access, use and maintenance of the

parking facilities, pedestrian walks, landscaping and related facilities. The covenants shall also include an agreement for the provisions of additional parking spaces as herein required.

h. Any subsequent voluntary change in zoning, ownership, land use, occupancy or hours of operation which have a material impact on the parking requirements or characteristics of the lot, as well as any other factor(s) resulting in a material change of total or peak parking demand after a parking reduction has been granted, shall require additional review and approval, and may require amended covenants, cross-access and joint parking agreements and a changed certificate of occupancy permit if deemed necessary as a result of such review and approval.

(3) *Substitute parking spaces.* The use of substitute parking spaces must be approved by the board of supervisors through the issuance of a provisional use permit as provided for in section 24-122.1. The purpose of such an arrangement is to reduce the amount of paved areas and preserve as much natural vegetation as possible through more efficient use of existing parking areas. Substitute parking spaces may be approved by the board of supervisors when specific conditions are satisfied as follows:

a. The use of substitute parking spaces may not be used to increase the density of development that would otherwise be permitted on a site if on-site parking were exclusively used. Applicants must show that the site could be developed in compliance with all zoning requirements with necessary on-site parking but that the use of substitute parking spaces is a more prudent use of land and other resources. In no case may more than 35 percent of the minimum parking spaces required by this section be provided by substitute parking spaces and there shall be no more than 150 substitute parking spaces on a single site of residentially zoned property.

b. Substitute parking spaces must be located on a contiguous property within 400 feet of the main entrance of the building being served unless the applicant presents a satisfactory plan showing how persons using the substitute parking spaces are to be transported to the building.

c. The substitute parking spaces shall be only for the use of the employees of the facilities to be served. An identifiable parking decal shall be conspicuously displayed on each employee's vehicle so that the use of the parking spaces can be monitored for enforcement purposes.

d. Substitute parking space arrangements shall not be approved if the proposal would result in the routing of traffic through a single-family residential area or in the changing of the character of a single-family residential area.

e. A study must be conducted by the applicant that indicates: (1) the current usage of the substitute parking spaces by days of the week and hours of the day; (2) the various activities the spaces serve; and (3) that the number of spaces the applicant proposes to use can be accommodated without conflicting with the needs of the off-site property.

f. If the substitute parking spaces to be used directly abut developed single-family residential property, the abutting property must be screened by a transitional buffer ten as defined in section 24-106.2(e)(3). The plans for the buffer must be submitted with the application for the provisional use permit and the buffer must be in place prior to the use of the substitute parking spaces. The board of supervisors may permit landscaping in lieu of buffering on a site specific basis.

g. The substitute parking spaces must be located in an existing parking lot serving an existing principal use and meeting the requirements of section 24-98.

h. All requests for approval of substitute parking arrangements shall be accompanied by a copy of the agreement between the owners of all the properties involved in the arrangement which sets forth the terms and length of the agreement and which provides for 120 days' advance notice to the county of the termination of the arrangement. In addition, the applicant for the provisional use permit shall execute a statement acknowledging its responsibility to provide at all times the number of parking spaces required by the County Code and agreeing that the

provisional use permit is conditioned upon replacing any lost spaces required by the County Code within 120 days. Any substitute parking spaces located in any residential district or within 100 feet of a residential district and which are to be used for parking for nonresidential district uses may be used only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday.

(b) The number of parking spaces to be provided for each use shall be sufficient to provide for all persons residing on, employed on or patronizing the premises, and in no case shall it be less than as follows. In the case of any use not listed, the director of planning shall determine the required number of parking spaces based on standards published by the Institute of Transportation Engineers, documented parking studies of comparable uses, and good planning practices.

Use	Number of Spaces
(1) Dwellings:	
a. One-family	1 for each dwelling unit
b. Two-family	1½ for each dwelling unit
c. Multifamily	2 for each dwelling unit; 1½ for each dwelling unit for multifamily development on property which had an approved plan of development, proffers approved as part of a rezoning case, or previous multifamily development on the property as of November 28, 2000. Attached garages cannot be included in the parking calculations.
d. RTH and condominiums	2¼ for each dwelling unit; 2 for each dwelling unit for multifamily development on property which had an approved plan of development, proffers approved as part of a rezoning case, or previous multifamily development on the property as of November 28, 2000.
(2) Motels, hotels, boardinghouses	1 per bedroom
(3a) Places of worship	1 for each 50 sq. ft. of floor area in the primary worship or assembly area
(3b) Assembly uses, other than places of worship, with fixed seats	1 for each 4 seats
(3c) Assembly uses, other than places of worship, without fixed seats	1 for each 100 sq. ft. of floor area used for assembly
(4) Hospitals, rest homes, nursing homes, sanitoriums	1 for each 2 beds
(5) Auto service stations and public garages	2 for each service bay
(6) Banks	8 for first 1,000 sq. ft. plus 1 for each additional 150 sq. ft. of floor area
(7) Bowling alley	5 for each lane
(8) Nonretail service establishment for handling of articles or goods	1 for each 400 sq. ft. of floor area
(9) Furniture, hardware and appliance stores	1 for each 750 sq. ft. of floor area
(10) Golf courses and county clubs	5 for each hole
(11) Restaurants, dine-in or take-out, including tasting rooms and other areas designated for on-premises consumption of alcoholic beverages at a brewery,	1 for each 100 sq. ft. of floor area

distillery, or winery	
(12) Office or office building, post office, studio	1 per 250 sq. ft. of floor area, min. of 5 spaces
(13) Office, medical	1 per 200 sq. ft. of floor area 10 spaces minimum for clinic
(14) Retail stores and other commercial buildings	1 for each 200 sq. ft. of floor area
(15) Manufacturing and industrial plants, including warehousing and storage	1 for each 2 employees on maximum shift
(16) Small animal hospital, veterinarian clinics and hospitals	4 spaces for each doctor, plus 1 for each additional employee
(17) Bed and breakfast home, short-term rental	One parking space per guestroom in addition to the parking required for the principal dwelling

(c) Each off-street parking space shall be at least 162 square feet in area, exclusive of access drives and aisles, and shall be of such shape and in such location and so improved as to be effectively usable. In any R district, except for single-family dwellings, such location shall be only in a rear yard or in a private garage located in accordance with regulations governing garages except that off-street parking in the side yard shall be permitted when the minimum requirements for the street side of a corner lot are met. In any B and M district, parking may be located anywhere on the premises when such parking area is designed and constructed in accordance with sections 24-98 and 24-106.2 and when such parking areas are delineated by concrete curb, curb and gutter or any pavement marking plan authorized by the county engineer.

In any R-5, R-6 or O district, off-street parking may be anywhere on the lot except that any location in the front or side yard on the street side of a corner lot shall be separated from any existing or proposed street right-of-way by a landscape strip at least 15 feet wide of appropriate planting materials designed in accordance with section 24-106.2 of this chapter.

In any other district, off-street parking may be anywhere on the lot except in the required minimum front yard or in the required minimum side yard on the street side of a corner lot; but any yard provided in addition to the required minimum yard may be used for parking.

(d) All parking space provided in compliance with the requirements herein shall be considered as required open space on the lot upon which it is located, and such space shall not be reduced or encroached upon in any manner, except:

(1) When substitute space is provided elsewhere, as permitted herein; or

(2) When the use for which such space was provided is changed or reduced, in which case the parking requirements for the new or reduced use shall apply.

(e) No area in any A or R district, except on a farm, shall be used for parking any truck or commercial vehicle exceeding 10,000 pounds gross weight, any commercial trailer, or any wrecker, except while loading, unloading, or working at or near the location where it is parked.

(f) No permit shall be issued for the occupancy of any building hereafter erected, located, reconstructed, enlarged, converted or altered, or of any premises of which the use is changed, until the parking spaces required herein have been provided and are ready for use.

(Code 1980, § 22-96; Code 1995, § 24-96; Ord. No. 957, § 7, 8-13-1997; Ord. No. 1008, § 6, 11-28-2000)

Sec. 24-96.1. - Reserved.

Editor's note—

Ord. No. 921, § 1, adopted May 22, 1996, repealed § 24-96.1, which pertained to inoperable motor vehicles and derived from Code 1980, § 22-96.1.

Sec. 24-97. - Off-street loading requirements.

(a) In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 5,000 square feet or more, which is to be occupied by any business, industrial, hotel, hospital, institutional or other use requiring the receipt or delivery of materials or merchandise by vehicles, there shall be provided and maintained on the same premises at least one off-street loading space, plus one additional space for each 20,000 square feet of gross floor area in excess of the first 10,000 square feet.

(b) Each loading space shall be at least ten feet wide, 25 feet long and 15 feet high, and shall be located so that no part of the vehicle is on any public right-of-way. Loading spaces may occupy any part of a required yard except a front yard, or may be contained within the building; provided, however, that no loading space shall be located closer than 50 feet to another lot in any R district unless completely enclosed within the building or by a wall or uniformly painted solid board fence not less than eight feet high. In an M district, loading spaces may occupy any part of a front or street side yard when the loading facilities are set back a minimum of 50 feet and such loading spaces are delineated by a curb or bumper, parallel with the property line to prevent encroachment on the right-of-way, and when curb and gutter, and storm sewer, all to county specifications, are provided.

(Code 1980, § 22-97; Code 1995, § 24-97)

Sec. 24-98. - Parking lot regulations.

Every public or private parking lot for six or more vehicles in any district shall be subject to the following regulations:

(a) *Setbacks.* It shall be subject to the provisions of section 24-96(c). On the street side of a corner lot, no side yard of more than ten feet shall be required, except as provided in section 24-96(c).

(b) *Landscaping.* Parking lots and their required minimum yards shall be landscaped in accordance with the standards and requirements of section 24-106.2 of this chapter.

(c) *Lighting.* Any lighting equipment shall be so arranged as to direct the light and glare away from nearby residential property.

(d) *Reserved.*

(e) *Paving.* All public parking lots, and all other parking lots situated within 200 feet of any R district, shall be paved with at least a bituminous penetration pavement meeting county specifications.

(f) *Drainage.* Lots shall not be drained onto or across public sidewalks, or onto adjacent property except into a natural watercourse or a drainage easement.

(g) *Entrances.* There shall be no vehicular entrance or exit within 200 feet, along the same side of the street and in the same block, of the premises of any school, public playground, place of worship, hospital, public library or institution for children or dependents, except where the parking lot is on the same premises. On all corner lots, all vehicular openings shall be set back at least 25 feet from the point of intersection of property lines or from the established right-of-way lines as defined in section 24-95(h). No entrance or exit, whether on a corner lot or not, shall exceed 50 feet in width at the property line, or 40 feet if parking is permitted, nor within 12½ feet of a property line. There shall be a minimum distance between driveways of 25 feet measured along the curbline, unless such driveways are less than five feet apart. When the above entrance or exit setbacks or dimensions are impossible to conform with, they may be modified by joint approval of the county engineer, chief of police, and director of planning, or their designated agents.

(Code 1980, § 22-98; Code 1995, § 24-98)

Sec. 24-99. - Service stations and public garages.

(a) No automobile service station, automobile repair shop or public garage shall have a vehicular entrance or exit within 200 feet, along the same side of a street and in the same block, of the premises of any school, public playground, place of worship, hospital, public library or institution for children or dependents, and no part of any such service station, repair shop, or garages shall be within 100 feet of any of the said public, semipublic, or institutional buildings or properties. On all corner lots, all vehicular entrances and exits and all curb openings shall be set back at least 25 feet from the corner property lines extended or from the established right-of-way lines as defined in section 24-95(h). No entrance or exit, whether on a corner lot or not, shall exceed 50 feet in width at the property line or 40 feet if parking is permitted, nor within 12½ feet of a property line. There shall be a minimum distance between driveways of 25 feet, unless such driveways are less than five feet apart. When the above entrance or exit setbacks or dimensions are impossible to conform with, they may be modified by the joint approval of the county engineer, chief of police, and director of planning, or their designated agents. Curb and gutter shall be required for all service stations.

(b) No automobile service station, automobile repair shop or public garage shall be permitted where any oil draining pit or visible appliance for such purpose, other than filling caps, is located within 12 feet of any street lot line or within 25 feet of any R district, except where such is within a building.

(Code 1980, § 22-99; Code 1995, § 24-99)

Sec. 24-100. - Group housing projects.

A permit for the erection of a group housing project, where permitted, may be authorized by the board of appeals, provided such group conforms to all the following conditions and requirements, even through the building locations and the lot, yard and other requirements do not meet in all respects the requirements stipulated for the district in which located:

(a) The gross area of the site shall be at least 20 percent greater than the aggregate of the minimum lot areas otherwise required for the individual units in the group.

(b) Each dwelling in the group shall front either on a street or on a permanent public open space or common yard at least 60 feet wide.

(c) The distances between principal buildings, back to back, shall not be less than the sum of the minimum rear yard depths required in the district in which located, and the distances between buildings in any other direction shall be not less than the sum of the minimum side yard widths required in the district.

(d) The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than 30 feet for a side lot line or 60 feet for a rear lot line.

(e) Every dwelling shall be within 60 feet of an access driveway at least 20 feet wide leading to a public street, and shall be not more than 200 feet, measured along such driveway, from the public street.

(f) No detached accessory building shall be closer to a principal building than 25 feet.

(g) Except for the provisions hereinabove set forth, all other requirements applicable in the district in which a group housing project is located, including off-street parking, shall apply.

(Code 1980, § 22-100; Code 1995, § 24-100)

Sec. 24-100.1. – Temporary family health care structures.

(a) A temporary family health care structure shall comply with all setback requirements that apply to the primary structure on the lot.

(b) The applicant shall connect the temporary family health care structure to all water, sewer, and electric utilities serving the primary residence, and shall comply with applicable requirements of the

Virginia Department of Health. The applicant shall obtain all required building, electrical, plumbing, well and septic system permits.
(c) The applicant shall obtain a permit from the director of planning before installing the temporary family health care structure.
(d) The applicant shall provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence shall be submitted to the director of planning or his designee, and shall consist of a certification from the mentally or physically impaired person's physician that the person still requires assistance with two or more activities of daily living and sufficient evidence that the applicant satisfies the definition of caregiver in section 24-3.
(e) The director of planning or his designee shall be permitted to inspect the temporary family health care structure at reasonable times convenient to the caregiver, not limited to the annual compliance confirmation.
(f) The director of planning may revoke the permit for any violation of this section.
(g) There shall be no signs advertising or otherwise promoting the existence of the temporary family health care structure either on the exterior of the structure or elsewhere on the property.
(h) The temporary family health care structure shall not be placed on a permanent foundation.
(i) The temporary family health care structure shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the caregiver's assistance.
State law reference: Code of Virginia § 15.2-2292.1

Sec. 24-101. - Neighborhood and community shopping centers.

A neighborhood or community shopping center may be authorized by the planning commission in districts where such is permitted by this chapter, subject to the following conditions:

(a) The site shall contain, in the aggregate, a lot of at least two but not more than ten acres in the case of a neighborhood center, and in the case of a community center not more than 40 acres.

(b) The location shall correspond substantially with a location for a neighborhood or community business center as shown on the official land use plans of the county.

(c) The uses permitted in a neighborhood center shall be those retail business, commercial and service uses permitted in the B-1 district, and those in a community center shall be the same kinds as permitted in a B-2 district; except that no residential or industrial uses shall be permitted, or any uses other than such as is necessary or desirable to supply with goods or services the needs of the surrounding neighborhood or community, as the case may be.

(d) The planning commission shall determine, on the basis of evidence to be furnished by the applicant:

(1) That there is a reasonable need or justification for the center as shown by land use studies, market surveys or other means which it shall determine.

(2) That the size of the center is substantially in keeping with the need as shown by said evidence.

(3) That there is adequate provision for traffic to and from the center, without congestion, on existing streets or on streets scheduled to be completed by the time the center is to be opened.

(4) That the proponents intend to start construction within one year and to complete it within a reasonable time to be determined by the planning commission in each case.

(e) The applicant shall submit for the planning commission's approval a layout plan of development

for the center which is in keeping with modern planning principles, is of coordinated and harmonious design and will produce an attractive and efficient shopping center, convenient, pleasant and safe to use and which will fit harmoniously into, and will have no adverse effect upon, the adjoining or surrounding development. Such plan, in particular, shall be in accordance with the following regulations:

(1) *Building height.* No building shall exceed 25 feet in height in a neighborhood center. No building shall exceed 110 feet in height in a community center, unless authorized by provisional use permit.

(2) *Yards.* No building shall be less than 50 feet distant from any boundary of the site.

(3) *Landscaping and screening.* The center shall be landscaped, buffered and screened in accordance with section 24-106.2.

(4) *Site coverage.* The ground area covered by all the buildings shall not exceed in the aggregate 25 percent of the total area.

(5) *Parking space.* Notwithstanding any other requirements of this chapter, there shall be provided for customers and employees parking spaces in number as indicated on the accompanying graph. These spaces will be determined by the gross leasable area of the shopping center excluding unfinished storage areas. The planning commission shall, in the review of each shopping center, determine that all parking spaces are effectively usable as to location and layout.

(6) *Loading space.* Notwithstanding any other requirement of this chapter, there shall be provided one off-street loading or unloading space for each 20,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of such spaces shall be sufficient in size and height to accommodate trucks of the tractor-trailer type.

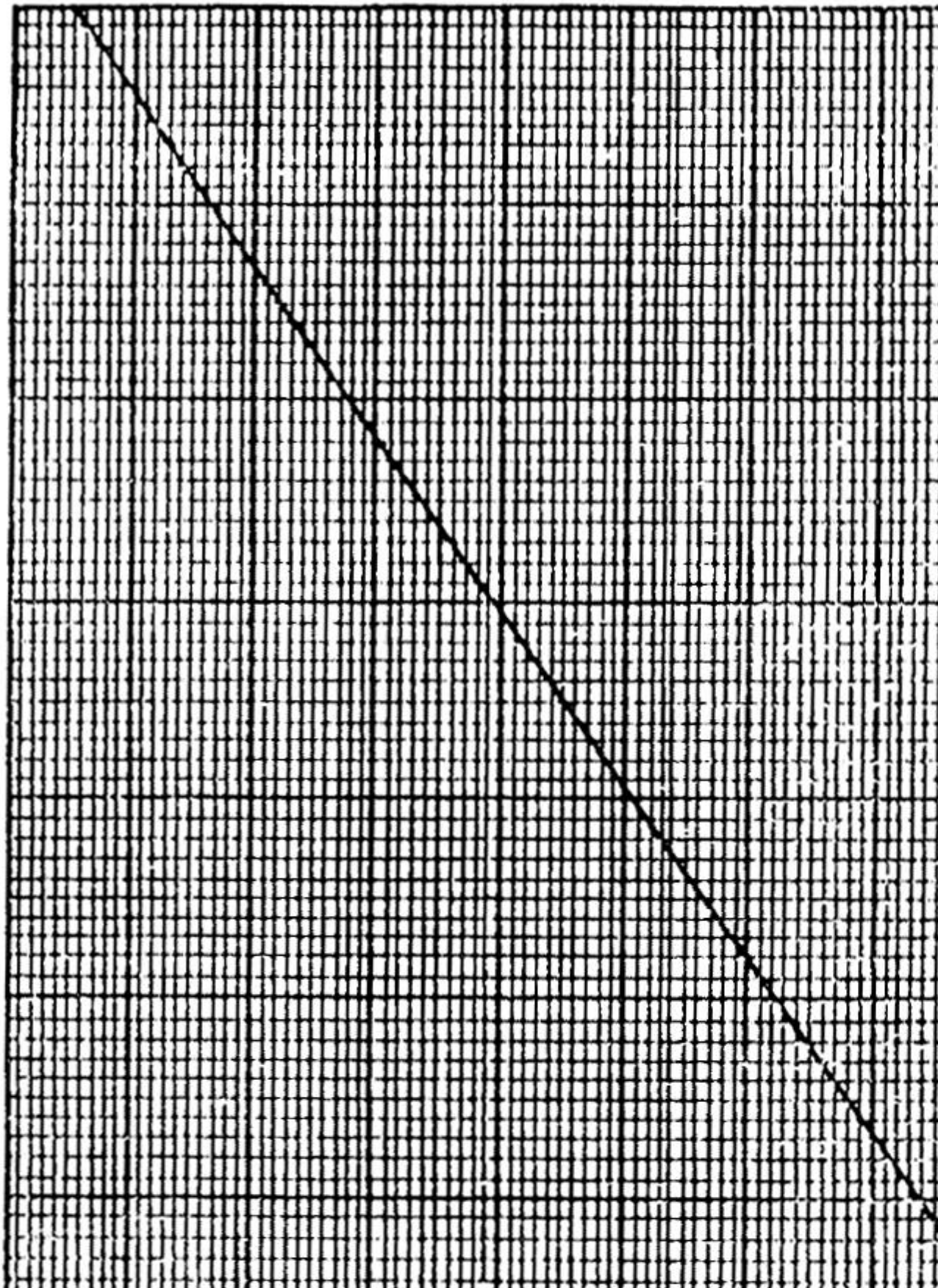
(7) *Entrances and lighting of parking areas.* These shall comply with the requirements of parking lots in section 24-98.

(8) *Signs.* As regulated in section 24-104.1.

(9) *Drainage.* Provision shall be made for proper stormwater drainage. Water shall not be permitted to drain onto or across public sidewalks, or onto adjacent property except into a natural watercourse or a drainage easement.

(f) After review under sections 24-54.1(u), 24-58.1(u), 24-62 and 24-106, the planning commission may approve the layout plan of development if it appears to meet all the foregoing requirements in this section and to be in all respects of a type that will be a credit to the surrounding area, whereupon such center may be built and maintained in conformity with said plan. In the course of development, minor adjustments in the plan may be authorized by the planning commission.

(Code 1980, § 22-101; Code 1995, § 24-101; Ord. No. 1091, § 12, 11-14-2006)



REMENTS FOR SHOPPING CENTERS
must be read to nearest 50 spaces)

Sec. 24-102. - Trailers and trailer parks.

No trailer of any kind shall be parked or stored in any district except as follows:

(1) In an R district, one manufactured home may be parked or stored in an enclosed garage on the same lot with the principal use, provided it shall not be occupied for living or business purposes. The wheels or other transporting devices shall not be removed, except for repairs, nor shall the manufactured home be connected to any utility service or to the ground or another structure in any manner that would prevent its ready removal.

(2) In any district used for residential purposes, one travel, utility and/or boat trailer, as an accessory use, may be parked or stored in the rear, side yard or in a carport or garage on the same lot with the principal use, provided it shall not be occupied for living or business purposes. The wheels or other transporting devices shall not be removed, except for repairs, nor shall the trailer be connected to any utility service or to the ground or other structure in any manner that would prevent its ready removal.

(Code 1980, § 22-102; Code 1995, § 24-102)

Sec. 24-103. - Sand and gravel pits.

The county shall enforce all requirements of the Virginia Mineral Mining Law (Code of Virginia, title 45.1, ch. 16, as amended) and its implementing regulations, guidelines and drainage handbook promulgated by the state division of mineral mining. All mineral mining operations shall strictly comply with these requirements which are hereby incorporated by reference into this section.

The following regulations shall apply to all sand, gravel or clay pits, quarries, mines and other operations for the extraction of any materials from the earth or subsoil from which approval by the board of zoning appeals is required by other provisions of this chapter, including the removal of topsoil when such removal of topsoil is conducted in conjunction with the extraction of any materials from the earth or subsoil, except that such regulations shall not apply to excavations for any building, structure or use for which a building permit has been obtained:

(a) The excavations shall be confined to areas distant at least 100 feet from any and all adjoining property lines in any residence, business or agricultural district and distant at least 200 feet from any dwelling or any and all property lines in any platted subdivision, except that excavations may be conducted within such limits provided the written consent of the owners of such adjoining properties is secured.

(b) The excavations shall be confined to areas distant at least 200 feet from the right-of-way lines of any existing or platted street, road or highway, except that where the ground level is higher than the road the board of zoning appeals may permit excavations down to the road level.

(c) Any building containing power-driven or power-producing machinery or equipment shall be distant at least 600 feet from all adjacent property in any residence, business or agricultural district or the right-of-way lines of any existing or platted street, road or highway.

(d) All roadways on and all vehicular entrances and exits from the premises on which such operations are conducted to any public roads shall be located to secure public safety, lessen congestion and facilitate transportation, and shall be so maintained as to eliminate any nuisance from dust to neighboring properties.

(e) 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 noise, vibrations or

dust which are injurious or annoying to persons living in the vicinity.

(f) A plan of operation shall be submitted to and approved by the board of zoning appeals which shall provide in all respects for the adequate safeguarding and protection of other nearby interests and the general public health, safety, convenience, prosperity and welfare, and which shall include 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, draining, planting or other suitable treatment so that it will resist erosion and conform substantially with adjacent land characteristics.

(g) Whenever the special use permit issued by the board of zoning appeals shall have expired, or whenever the operations 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 by subsection (f) above.

(h) A bond or other suitable guarantee shall be furnished prior to undertaking any work under the permit guaranteeing the faithful performance of all of the applicable requirements in this chapter.

(i) The board of zoning appeals may renew a permit, after a public hearing, provided an application therefor is filed within 60 days before its expiration date, in the same manner as for an original permit, provided the applicant is carrying out the requirements of this existing permit in good faith.

(Code 1980, § 22-103; Code 1995, § 24-103)

Sec. 24-104. - Reserved.

Sec. 24-104.1. Signs.

(a) *Findings, purpose and intent; interpretation.*

(1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that call for regulation.

(2) This section regulates the size, color, illumination, movement, materials, location, height, and condition of signs. The purposes of this section are to:

a. Reduce the problems caused by signs;

b. Facilitate the creation of a convenient, attractive, and harmonious community;

c. Protect property values and the character of neighborhoods and historic areas within the county;

d. Promote the safety of pedestrians and traffic; and

e. Encourage economic development.

(3) This section is designed to comply with the United States Supreme Court's ruling in *Reed v. Town of Gilbert* decided June 18, 2015.

(4) If any provision of this section is found by a court of competent jurisdiction to be invalid, the remaining provisions should be given effect to the fullest extent possible consistent with the First Amendment guarantee of free speech.

(5) Wherever this chapter allows a sign with commercial content, noncommercial content is also permitted subject to the same requirements.

(b) *Permit required.*

(1) A sign permit is required prior to the display of any sign except as provided in subsection (c).

(2) An application for a sign permit on provided forms shall be filed with the building official, who shall submit it to the director of planning for review. The applicant shall provide sufficient information to demonstrate that the proposed sign is permitted under the Uniform Statewide Building Code and this chapter.

(3) A nonrefundable fee as set forth in the Uniform Statewide Building Code shall accompany each sign permit application.

(4) If an application complies with all provisions of this chapter, the director of planning shall indicate approval of the application and return it to the building official within 20 business days after receipt. If an application is incomplete, the director of planning or designee shall notify the applicant of the deficiencies within 20 business days after receipt.
(5) If an application does not comply with this chapter, the director of planning or designee shall indicate denial on the application, provide written reasons for the denial, and return it to the building official or designee within 20 business days after receipt.
(6) If a sign is not installed within six months after issuance of a sign permit, the permit shall be void. The director of planning or designee may revoke approval of a sign permit under any of the following circumstances:

a. Information in the application was materially false or misleading;
b. The sign as installed does not conform to the sign permit application; or
c. The sign violates this chapter or the Uniform Statewide Building Code.

(7) For any property subject to a plan of development, a comprehensive sign program may be submitted to the director of planning with one or more sign permit applications. The comprehensive sign program shall establish the number, location, area, height, materials, and illumination of all signs to be placed on the site. The director of planning may approve a comprehensive sign program that conforms to the total area and maximum height limitations of this section.

(c) *Signs not requiring permits.*

A sign permit is not required for:

(1) Any sign placed by a government body, required by law, or permitted by the Virginia Department of Transportation.
(2) Up to three noncommercial flags on any lot. Any commercial flag shall comply with the regulations for detached signs.
(3) The refacing or repair of an existing permitted sign.
(4) On any lot, not more than two non-illuminated signs each not exceeding 1 square foot in area or 4 feet in height.
(5) Non-illuminated signs posted along the property line of any lot, except that (i) no such sign shall exceed 1 square foot in area and (ii) no two such signs shall be posted within 250 feet of each other on the same property line. Notwithstanding the general prohibition in section 24-104.1(d)(1)(b), such signs may be attached to trees.
(6) Window signs that do not exceed 50% of the total area of the window or door.
(7) Temporary signs, as follows:

a. On property where a building permit is active, one sign no more than 3 square feet in area;
b. On property actively marketed for sale or rent, one sign no more than 32 square feet in area and 8 feet in height when the sign abuts a street classified as a controlled access, major arterial, minor arterial, major collector, or major access road; and no more than 3 square feet in area and 4 feet in height when the sign abuts any other street;
c. In any R, A-1, or C-1 district: temporary noncommercial signs not exceeding 16 square feet in aggregate area for each lot may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year; and
d. In any office, business, or industrial district: temporary noncommercial signs may be displayed no more than 90 consecutive days and no more than 120 days in any calendar year. Each sign shall not exceed 32 square feet, and the total aggregate area of signs along any 300-foot segment of street frontage shall not exceed 32 square feet. Detached signs shall not be illuminated and shall not exceed 8 feet in height.

(8) In any office, business, or industrial district: one display of attention-getting devices for a period not exceeding 10 days in each three-month period: January 1 through March 31, April 1 through June 30, July 1 through September 30, or October 1 through December 31, provided that:

a. The display shall not obstruct any public right-of-way, required parking space, or ingress or egress to any building;

b. The display shall not damage required landscaping; and

c. If an otherwise permissible attention-getting device is displayed more than 10 days in any three-month period, in addition to any other remedy, the number of days in excess of 10 shall be counted against the number of days permitted in future three-month periods.

(d) *Prohibited signs.*

The following signs are prohibited:

(1) General prohibitions.

a. Any sign attached to trees, bushes, shrubberies, or other plants or vegetation;

b. Any sign simulating, or which is likely to be confused with, a traffic control sign, any other sign displayed by a public authority, or the lights or markings on an emergency vehicle; and

c. Any sign displayed on a stationary vehicle or trailer that is used for the purpose of a mobile or portable sign, including the parking of a vehicle for a period of more than 24 hours in such a manner that it is within 100 feet of and plainly visible from the public right-of-way.

(2) Prohibitions based on construction.

a. Any sign with parts that rotate or move, or appear to rotate or move;

b. Any sign displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity;

c. Searchlights;

d. Any sign consisting primarily of exposed illuminated tubing or strings of lights, except in windows or when used for temporary decorations not to exceed 90 days in any calendar year;

e. Any sign that emits smoke, flame, scent, mist, aerosol, liquid, or gas;

f. Any sign that emits sound; and

g. Strings of pennants or flags except temporary attention-getting devices as provided in section 24-104.1(c)(8).

(3) Prohibitions based on location.

a. Off-premises commercial signs, except outdoor advertising signs allowed by section 24-104.1(l)(7);

b. Any sign placed on public land, including street right-of-way, other than those approved in writing by the county engineer or the Virginia Department of Transportation, required by law without such approval, or permitted under Code of Virginia § 24.2-310 E, as amended. Any unauthorized sign is subject to immediate removal and disposal by any authorized official. Removal of the sign by an authorized official does not preclude prosecution of the person responsible for the sign;

c. Any sign attached to the roof of a building (other than the lower plane of a mansard roof), extending above the ridge of a sloped roof, or attached to a parapet wall and extending above the top of such wall; and

d. Any sign that prevents a driver from having an unobstructed view of an intersection or seeing conflicting vehicles or pedestrians in the roadway.

(e) *Measurements of sign area and height.*

(1) For a detached sign, the sign area shall include all of the sign including the background of the display. The supports, uprights, or structure on which a detached sign is supported shall not be included in determining the sign area unless they form an integral part of the display.
(2) For an attached sign, the sign area shall include all of the sign and that portion of the wall or fence that forms the background of the display.
(3) For a sign in the shape of a regular polygon or circle, the area shall be calculated by the mathematical formula for area of that polygon or circle. For a sign not in the shape of a regular polygon or circle, the sign area shall be calculated based on a maximum of six abutting or overlapping rectangles that enclose the sign.
(4) For a sign with two parallel faces not more than 24 inches apart, or two faces attached in a V-shape with an interior angle not exceeding 90 degrees, only one side shall be included in the calculation of sign area. If one face is larger than the other, the larger face shall be used.
(5) For a sign consisting of three vertical faces attached in the shape of a triangle, the largest two faces shall be included in the calculation of sign area.
(6) For an attached sign that projects four inches or more from the wall to which it is attached, the sign area shall also include the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
(7) For a cylindrical sign, the sign area shall be calculated by multiplying one-half of its circumference by its height.
(8) Where the allowed sign area is based on the length of a building, the building length shall be the longest dimension parallel to one wall. For a building divided into multiple tenant spaces, the length of the building shall be the sum of the lengths of the longest exterior wall of each tenant space.
(9) The height of a sign shall be the vertical distance from the highest point of the sign to either the street grade or the average lot grade at the front setback line, whichever elevation is greater.

(f) *Maintenance and removal.*

(1) All signs shall be constructed and maintained in compliance with the Uniform Statewide Building Code and in a neat and clean condition.
(2) The building official may order the immediate removal or repair of any sign which he determines presents an immediate threat to the safety of the public because it has become insecure, in danger of falling, or otherwise unsafe. If such action is necessary to render a sign safe, the cost of such action shall be at the expense of the owner or lessee of the premises.
(3) Any sign that becomes a safety hazard or that is not kept in a reasonably good state of repair shall be put in a safe and good state of repair after written notice by the building official to the property owner or permit holder.
(4) When the business advertised on a sign has ceased operating, the owner of the property shall remove the sign or replace the sign face with a blank face within 60 days of the cessation of business operations until such time as a new use has begun operating on the property.
(5) Any sign that constitutes a nuisance may be abated by the county under the provisions of Code of Virginia §§ 15.2-900, 15.2-906, or 15.2-1115.

(g) *General requirements.*

(1) Detached signs shall be set back from any street right-of-way at least 5 feet.
(2) Any attached sign in a business or industrial district located within 150 feet of an R district on the same side of the same street shall be attached flat against a building wall that does not face the adjacent R district.
(3) External lighting of signs shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially

confined to the sign. The beam width shall not be wider than that needed to illuminate the sign.

(4) Illumination from any sign shall not exceed 0.5 foot candle above ambient lighting conditions at any property line, and shall not shine directly into oncoming traffic or directly into a dwelling.

(5) For any sign in the B-1, B-2, or B-3 business districts or the M-1, M-2, or M-3 industrial districts, except for outdoor advertising signs subject to section 24-104.1(l)(7), the image or message shall not change more often than once every 10 seconds. For any sign in any other zoning district, the image or message shall not change more often than once every 5 minutes. The images, messages, and transitions between them shall not include or simulate motion, video, or animation.

(h) *Nonconforming signs.*

(1) Signs lawfully existing on April 25, 2017, that do not conform to the provisions of this section shall be deemed nonconforming but may remain, subject to the qualifications in this subsection. Notwithstanding the foregoing, any outdoor advertising sign (i) allowed by section 24-104.1(l)(7), (ii) not prohibited by section 24-104.1(d), and (iii) meeting the requirements of section 24-104.1(g) shall be considered a conforming sign for purposes of this section.

(2) The burden of establishing nonconforming status of a sign and of the physical characteristics and location of such sign shall be that of the owner of the property. Upon notice from the director of planning, a property owner shall submit verification that a sign was lawfully existing at the time of erection. Failure to provide such verification shall be cause for an order to remove the sign or bring the sign into compliance with this section.

(3) A nonconforming sign may not be enlarged and any feature of a nonconforming sign, such as illumination, may not be increased. This paragraph is not intended to prohibit upgrades in the efficiency of lighting of any sign, or the addition of solar panels to an outdoor advertising sign subject to section 24-104.1(l)(7).

(4) Nothing in this section shall be deemed to prevent maintenance or repair of a nonconforming sign.

(5) A nonconforming sign may not be moved unless such change in location will make the sign more nearly conform to the provisions of this section.

(6) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50% of its area may be restored within two years after such destruction or damage but shall not be enlarged in any manner. If a nonconforming sign is destroyed or damaged to an extent exceeding 50% of its area, it shall not be reconstructed but may be replaced with a sign that complies with this section.

(7) A nonconforming sign that is changed to become conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be maintained in accordance with the provisions of this section.

(8) A nonconforming sign structure shall be subject to the removal provisions of this section. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the county to do so. If, following such two-year period, the county has made a reasonable attempt to notify the property owner, the county through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property.

(i) *One-family residence, R-5A, agricultural, and conservation districts*. A sign permit may be issued for the following signs in the R-0, R-0A, R-1, R-1A, R-2, R-2A, R-3, R-3A, R-4, and R-4A one-family residence districts, the R-5A general residence district, the A-1 agricultural district, and the C-1 conservation district.

(1) At each entrance to a section of an approved and recorded subdivision: one detached sign not exceeding 25 square feet in area or 6 feet in height, or two signs attached to a wall or fence on opposite sides of the entrance, not exceeding 30 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the county engineer.

(2) Accessory to a nonresidential use other than an assembly use or county facility: one attached or detached sign not exceeding 20 square feet in area. Detached signs shall not exceed 8 feet in height.

(3) Accessory to an assembly use or county facility:

a. No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.

b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(j) *Other residence districts*. A sign permit may be issued for the following signs in the R-5 and R-6 general residence districts, the RTH residential townhouse district, and the RMP district.

(1) Accessory to a residential use for which a plan of development is required, including a townhouse project or multifamily development:

a. At each entrance to a phase or section as shown on the approved plan of development or recorded subdivision plat: one sign not exceeding 32 square feet in area or 8 feet in height, or two signs attached to a wall or fence on opposite sides of the entrance, not exceeding 36 square feet in aggregate area. Such signs may be located in the right-of-way if approved by the county engineer.

b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(2) Accessory to a nonresidential use other than an assembly use or county facility: one attached or detached sign not exceeding 20 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.

(3) Accessory to an assembly use or county facility:

a. No more than three attached or detached signs, not exceeding 50 square feet each or 82 square feet in aggregate area. Detached signs shall not exceed 8 feet in height.

b. For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(k) *Office and office/service districts*. A sign permit may be issued for the following signs in the O-1, O-2, and O-3 office districts, and the O/S and O/S2 office service districts.

(1) For each lot: one detached sign if the lot has an entrance on one public street, or two detached signs if the lot has entrances on two or more public streets. Each sign shall not exceed 32 square feet in area or 15 feet in height.

(2) For each building: attached signs not exceeding 32 square feet in aggregate area for each 25,000 square feet of finished floor area or part thereof. One detached sign not exceeding 12 square feet in area or 5 feet in height may be substituted for 12 square feet of attached sign area.

(3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(4) For each phase or section in the approved plan of development: one attached or detached sign not exceeding 20 square feet in area. Detached signs shall not exceed 10 feet in height. Such signs may be located in the right-of-way if approved by the county engineer.

(5) For a coordinated development of 20 acres or more:

a. For each entrance from a major arterial, minor arterial, or major collector road: one detached sign not exceeding 75 square feet in area, or two signs not exceeding 75 square feet in aggregate area when attached to a wall or fence on opposite sides of an entrance. Each sign shall not exceed 15 feet in height and shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.

b. For each 20 acres or part thereof: one detached sign not exceeding 36 square feet in area or 6 feet in height, provided such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.

(l) *Business districts*. A sign permit may be issued for the following signs in the B-1, B-2, and B-3 business districts. In the B-1 district, no sign shall be illuminated between 12:00 midnight and 6:00 a.m.

(1) Attached signs not exceeding the following aggregate allowance of sign area for each linear foot of building length: in the B-1 district, 1.5 square feet; in the B-2 district, 3 square feet; in the B-3 district, 4 square feet.

(2) Detached signs: one of the following may be allowed on a parcel as applicable, but not both:

a. Accessory to one business with independent street access and parking: one detached sign may be located along each public street frontage. Such signs shall not exceed 32 square feet in area each or 8 feet in height and shall be located at least 75 feet from any other detached sign.

b. Accessory to a group of two or more businesses with coordinated street access and parking: one detached sign for each point of access to a public street, provided that any two signs on the same public street shall be located at least 500 feet apart, and any such sign shall be located at least 75 feet from any other detached sign. Such signs shall not exceed 150 square feet in area each or 25 feet in height, except that for a coordinated development of 40 acres or more, one detached sign may be up to 250 square feet in area and 30 feet in height.

(3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(4) For a coordinated development of 20 acres or more: one detached sign not exceeding 36 square feet in area or 6 feet in height for each 20 acres or part thereof. Such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.

(5) For a coordinated development of 40 acres or more: for each parcel improved with a building of 60,000 square feet or more of finished floor area, one monument sign not exceeding 35 square feet in area or 5 feet in height.

(6) Accessory to a drive-through window: no more than two detached signs for each position where orders are placed or customers are served, one not exceeding 48 square feet in area and one not exceeding 24 square feet in area. Such signs shall not exceed 8 feet in height.

(7) In the B-3 district, outdoor advertising signs as provided below.

a. No permit will be issued for a new outdoor advertising sign in addition to those lawfully in existence on May 27, 1998, except as follows:

1. *Replacement*. A lawful outdoor advertising sign for which a permit has been issued may be replaced with a new outdoor advertising sign at the same location provided the new sign shall not (i) exceed 500 square feet in area, (ii) exceed 40 feet in height if abutting an interstate highway or 25 feet in height if not abutting an interstate highway, and (iii) project over any property line or any right-of-way line (public or private).

2. *Relocation*. A lawful outdoor advertising sign for which a permit has been issued may be relocated to, or replaced with a new outdoor advertising sign at, a new site on the same side

of the same street provided that (i) the new location shall be on the same lot as the original sign or on a different lot and within 500 feet of the original sign, measured parallel to the front property line, (ii) the new location shall be at least 1,000 feet from any other outdoor advertising sign on the same side of the same street, (iii) the new location shall be at least 500 feet from any residential district fronting on the same side of the same street, or from any school, county park, or place of worship, (iv) the relocated or replacement sign shall not exceed 500 square feet in area, (v) the relocated or replacement sign shall not exceed 40 feet in height if abutting an interstate highway, or 25 feet in height if not abutting an interstate highway, and (vi) the relocated or replacement sign shall not project over any property line or any right-of-way line (public or private). For purposes of this provision, "original sign" shall mean the sign as it existed on May 27, 1998.

b. A lawful outdoor advertising sign for which a permit has been issued may be continued, maintained, refaced, or repaired at its existing location, size, and height.

c. Artistic embellishments may be added to a lawful outdoor advertising sign structure for which a permit has been issued, if such embellishments do not exceed 10 percent of the area of the sign face and such embellishments do not extend more than 5 feet from such sign structure.

(m) *Industrial districts*. In the M-1, M-2, and M-3 industrial districts and the PMD Planned Industrial District, signs shall be allowed for any use allowed in the B-3 business district, subject to the regulations for the B-3 district in subsection (l). A sign permit may be issued for the following signs for any use first allowed in the industrial districts.

(1) Attached signs not exceeding 4.5 square feet of sign area for each linear foot of building length.

(2) Detached signs: one for each point of access to a public street, provided that any two signs on the same public street shall be located at least 500 feet apart. Each sign shall not exceed 150 square feet in area or 25 feet in height and shall be located at least 75 feet from any other detached sign.

(3) For each parking lot serving two or more buildings: one detached sign per building, not exceeding 3 square feet in area or 5 feet in height.

(4) For a coordinated development of 20 acres or more: one detached sign not exceeding 50 square feet in area or 6 feet in height for each 20 acres or part thereof. Such signs shall not be located within 75 feet of any other detached sign. Such signs may be located in the right-of-way if approved by the county engineer.

(5) Outdoor advertising signs shall be allowed subject to section 24-104.1(l)(7).

Sec. 24-105. - Reserved.

Sec. 24-106. - Plan of development (POD), administrative and schematic site plans.

(a) *Purposes.*

(1) To ensure compliance with the applicable requirements of this chapter prior to the issuance of a building permit or beginning development.

(2) To state the specific additional requirements applicable to the development of uses under this section.

(3) To prescribe the standards for preparation and submission of plans of development and for the design and construction of required improvements.

(4) To provide for compliance with approved plans for notifying adjoining owners of a submission of a plan of development.

(5) To promote traffic safety.

(6) To protect water quality through review of development in Chesapeake Bay Preservation Areas.

(b) *Uses and development requiring plan of development (POD) review and approval by the planning commission.*

(1) All uses referenced to this section.

(2) Multifamily development.

(3) Any development when parking spaces are to be used by more than one establishment.

(4) Any development adjacent to or with entrances or exits to or from a four-lane street.

(5) Residential townhouses for sale (RTH), motels, hospitals and medical facilities, banking facilities and savings and loan institutions, office buildings containing more than 5,000 square feet of floor area, automobile service stations, drive-in restaurants, airports, fairgrounds and amusement parks.

(6) All development exceeding 2,500 square feet of land disturbance. This requirement does not include the following development which shall be reviewed and approved as specified below:

a. Development requiring conditional use permits or variances reviewed by the board of zoning appeals;

b. Subdivisions reviewed by the planning commission and director of planning in accordance with chapter 19 of the County Code;

c. Development requiring provisional use permits reviewed by the board of supervisors;

d. Development reviewed in the administrative or schematic site plan approval process provided for in this section.

(c) *Temporary plan of development (POD).*

(1) A temporary plan of development (POD) may be approved for any development or land use listed in subsection 24-106(b) which will last no longer than 12 months and which shall only use temporary structures. The drainage, erosion and sediment control practices, parking, screening, fencing, services and utility requirements of this chapter may be modified in the temporary plan of development (POD), provided the county planning office, department of public works and department of public utilities concur.

(2) Prior to the approval of such temporary plan of development (POD), the planning commission may require a bond with surety approved by the county attorney to guarantee that all structures erected under the plan of development (POD) will be removed at the expiration of the period for which the permit was issued.

(d) *Required information.* Every plan of development (POD) shall contain the following information as well as other information required by the director of planning on the application form:

(1) Location of tract by an insert map at a scale of not less than one inch equals 2,000 feet, indicating the scale, the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns and magisterial districts or other landmarks sufficient to clearly identify the location of the property.

(2) A boundary survey of the tract by courses and distances.

(3) All existing and proposed streets and easements, their names, numbers and widths; existing and proposed utilities; watercourses and their names; owners, zoning and present use of adjoining tracts.

(4) Location, type and size of vehicular entrances to the site.

(5) The location, type, size and height of fencing, retaining walls, landscaping and buffers required by sections 24-106.2 and 24-106.3, proffers of conditional rezoning or other provisions of this chapter applicable to the specific use or zoning district.

(6) All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with this chapter.

(7) Number of floors, floor area, height and location of each building and proposed general use for

each building. If a multifamily residential building, the number, size and type of dwelling units.

(8) The location of all existing and proposed public water and sanitary sewer facilities, including all pipe sizes, types and grades; connections to the county or other utility system; profiles, inverts and elevations of utility and drainage facilities crossings; and existing or proposed utility easements, including public service corporation easements. The location of existing and proposed private water and sewage treatment facilities including wells, septic tanks and drainfields shall be indicated.

(9) Provisions for the adequate control of natural drainage and stormwater in accordance with the county department of public works design standards and specifications including the location, sizes, types and grades of ditches, catchbasins, pipes, all connections to existing drainage systems and any existing or proposed easements. The plan shall also include provisions for the adequate control of erosion and sedimentation, as required by chapter 10, article II of the County Code.

(10) Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary but not more than 50 feet apart in both directions.

(11) Proposed finished grading by contours supplemented where necessary by spot elevations.

(12) All horizontal dimensions shown on the site plan shall be in feet and decimals of a foot to the nearest 0.01 of a foot; and all bearings in degrees, minutes and seconds to the nearest ten seconds.

(13) The location of all Chesapeake Bay Preservation Areas located on the subject site.

(14) Proposed locations, sizes, heights and type of screen for on-site-generated refuse and/or recyclable materials and/or containers.

(15) Beginning September 1, 2000, four points tied to the Geodetic Control Network with coordinates in the Virginia State Plan Coordinate System. All features shown on the plan must be drawn to scale based upon the four points.

(16) The exact location and material of all permanent reference monuments, including any monument of the Geodetic Control Network located on the property.

(17) The delineation of the buildable areas allowed on each lot.

(18) Traffic study providing information required for review under section 15.2-2222.1 of the Code of Virginia.

(19) Mapped dam break inundation zones.

Every temporary plan of development (POD) submitted in accordance with the provisions of this section shall contain the following information:

(1) Boundary survey of the entire tract by courses and distances.

(2) Area, zoning and present record owner of the lot.

(3) Owner, zone and present use of all contiguous property.

(4) Insert map showing the general location of the tract.

(5) Location, size, height and use of each building.

(6) Existing and proposed topography.

(7) Location, type and size of proposed vehicular entrances to the site.

(8) All water, storm sewers and sanitary sewerage facilities.

(9) Location and size of parking area.

(10) Location, type and height of buffers required by sections 24-106.2 and 24-106.3, proffers of conditional rezoning or other provisions of this chapter applicable to the specific use or zoning district.

(11) Provisions for the adequate control of erosion and sedimentation as required by chapter 10, article II of the County Code.

(12) The location of all Chesapeake Bay Preservation Areas located on the subject site.

(13) Beginning September 1, 2000, four points tied to the Geodetic Control Network with coordinates in the Virginia State Plane Coordinate System. All features shown on the plan must be drawn to scale based upon the four points.

(14) The exact location and material of all permanent reference monuments, including any monument of the geodetic control network located on the property.

(15) The delineation of the buildable areas allowed on each lot.

(e) *Procedure for preparation.* A plan of development (POD) may be prepared in one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall clearly indicate where the several sheets join. Every plan of development (POD) shall show the name and address of the owner and/or developer, magisterial district, county, state, north point, date and scale of drawing and number of sheets. The plan of development (POD) shall be prepared to a scale of one inch equals 50 feet or larger; the sheet or sheets shall be 23 inches by 36 inches, or any multiple thereof. The director of planning shall determine the number of clearly legible, blue or black line copies of a plan of development (POD) to be submitted which shall be accompanied by the plan of development (POD) fee and application for processing and approval.

(f) *Written notices of hearing and record thereof.* The planning commission shall, at least eight days prior to its scheduled public hearing, notify all owners of the property for which approval of a plan of development (POD) is being requested and owners of all abutting property and property immediately across the street from the property which is the subject of the request. The secretary shall give additional notice to persons, groups or other property owners as required by county or planning commission policy and/or as he may, in his discretion, deem appropriate and advisable in order to comply with the intent and spirit of this requirement. For purpose of meeting this requirement, notices may be sent by first class mail. However, the secretary of the planning commission shall make affidavit that such mailings have been made and such affidavit shall be filed with the application and other papers. A list of property owners and others notified shall be available in the planning office for public inspection by any interested persons at least eight days prior to the public hearing. If the hearing is continued for any reason, notices shall be given for each subsequent hearing in accordance with the requirements of this section.

(g) *Procedure for processing.* The director of planning is responsible for checking the plan of development (POD) for completeness and obtaining review by appropriate officials. For purposes of this section, the plan shall be deemed submitted when it contains all the information required by this chapter. The director of planning shall send the POD to each state agency required to review it under state law within ten business days of submission. The planning commission or the board of supervisors shall hold a public hearing and act on the POD within 60 days of submission or, if state agency review is required, within 45 days of receipt of approvals from all reviewing agencies unless the applicant requests an extension of time.

The planning commission or board of supervisors shall identify all deficiencies in the plan in writing by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections that will permit approval of the plan.

In the review of a resubmitted plan for real property used for commercial or industrial uses that has been previously disapproved, the following requirements in this subsection shall also apply. The planning commission or board of supervisors shall only consider deficiencies it identified in its previous review that have not been corrected and deficiencies that arise as a result of the corrections made to address previously identified deficiencies unless there are changes, errors or omissions in the applicant's plat filings after the initial submission of the plan. In addition, the plan shall be deemed approved if the planning commission or board of supervisors fails to approve or disapprove a resubmitted plan within 45 days of resubmission.

Notwithstanding the approval or deemed approval of a proposed plan by the planning commission or board of supervisors, any deficiency that if left uncorrected would violate local, state or federal law, regulations, mandatory department of transportation engineering and safety requirements, or other

mandatory engineering and safety requirements shall not be treated as approved.

Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or other state agency, the planning commission or board of supervisors may consider deficiencies appearing in the resubmission because of such material revision or physical improvements.

The provisions of this subsection for commercial and industrial uses shall not apply to the review and approval of construction plans.

(h) *Required improvements.* In furtherance of the purposes of this section and to ensure public safety and general welfare, the county departments, divisions and agencies charged with the responsibility for the review and approval of plans of development (POD) shall require such of the following improvements as fall within their respective assignments:

(1) Designation of pedestrian walkways so that patrons may walk on the same from store to store, or building to building, within the site and to adjacent sites. This is not intended to require concrete walkways solely within the parking area.

(2) Construction of vehicular travel lanes or driveways not less than 22 feet in width which will permit vehicular travel on the site and to and from adjacent parking areas and adjacent property.

(3) Connection wherever possible of all walkways, travel lanes and driveways with similar facilities in adjacent developments.

(4) Screening, fences, walls, curb and gutter as are required by the provisions of this chapter, other ordinances of the county or by the regulations of the state department of highways.

(5) Easements or rights-of-way for all facilities to be publicly maintained. Such easement shall be clearly defined for the purpose intended.

(6) Curb and gutter for travel lanes or driveways that provide vehicular travel to and from adjacent parking areas or adjacent property for the purpose of separating same from parking areas and walkways.

(7) Adequate no parking signs along such travel lanes or driveways to prohibit parking on such.

(8) Adequate drainage system for the disposition of stormwater and natural waters.

(9) Temporary and permanent erosion and sediment control measures.

(i) *Agreement, bond and fees.* Prior to approval of the plan of development (POD), there shall be executed by the owner or developer an agreement to construct any required physical improvements which are located within public rights-of-way or easements or are connected to any public facilities, and the planning commission may require a bond with surety for the estimated cost of the required physical improvements as determined by the appropriate county agencies. The aforesaid agreement and bond shall be in a form approved by the county attorney and shall be provided to ensure completion of all work covered thereby within the time to be determined by the planning commission. The time for completion may be extended by the planning commission upon written application by the owner or developer, signed by all parties (including sureties) to the original agreement. The adequacy, conditions and acceptability of any bond hereunder shall be determined by the board of county supervisors or any official or officials of the county as may be designated by resolution of the board. In any case where any such official or officials have rejected any such agreement or bond, the owner or developer shall have the right to have such determination made by the board of county supervisors, provided that the owner or developer has paid to the county a fee for the examination and approval of the plan of development (POD) and inspection of all required improvements shown on such plans.

Fees for plans of development (POD) shall be determined by the board of county supervisors which by ordinance may change from time to time the fees for the examination and approval of plans of development (POD) and the inspection of all required improvements included in such plans.

(j) *Approval and extension.* Approved plans of development shall be valid for the periods provided in section 15.2-2261 of the Code of Virginia, as amended. However, any approved plan of development valid and outstanding as of January 1, 2017, shall remain valid until July 1, 2020. Any other plan or permit associated with such plan of development shall likewise be extended until July 1, 2020. The extension of validity provided for approved plans of development outstanding as of January 1, 2017, shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(k) *Revisions.* Any plan of development (POD) may be revised in the same manner as originally approved.

(l) *Building permit.* No permit shall be issued for any structure in any area covered by the plan of development (POD) that is required under the provisions of this section except in conformity to such plan of development (POD) which has been duly approved.

(m) *Inspection and supervision during installation.*

(1) Unless specifically provided in this section, the construction standards for all off-site improvements and on-site improvements required by this article shall conform to the county design and construction standards.

(2) Inspections during the installation of the off-site improvements and required on-site improvements shall be made by the department responsible for such improvements as required to certify compliance with the approved plan of development (POD) and applicable county standards.

(3) The owner shall notify the director of planning 24 hours prior to the beginning of all street or storm sewer work shown to be constructed on the plan of development (POD).

(4) The owner shall have one set of approved plans, profiles and specifications available at the site at all times when work is being performed. A designated, responsible employee shall be available for contact by county inspectors.

(5) Upon satisfactory completion of all installation of the required improvements, the owner shall receive an approval from the director of planning, the county engineer and the director of public utilities on the improvements upon the application for such approval. Such approval will authorize the release of any bond which may have been furnished for the guarantee of satisfactory installation of such improvements or parts thereof. Inspection is to be made within a reasonable time of the request, and the bond released as quickly as circumstances will permit.

(6) The installation of improvements as required in this section shall in no case serve to bind the county to accept such improvements for the maintenance, repair or operation thereof, but such acceptance shall be subject to the existing regulations concerning the acceptance of each type of improvement.

(n) *Occupancy certificate.* A final occupancy permit may be issued for any appropriately completed building or part of building located in a part of the total area of an approved plan of development (POD), provided:

(1) The other on-site construction and improvements included in the approved plan of development (POD) for the section have been completed and have been inspected and accepted by the director of planning, the director of public works, the director of public utilities, the county health officer or their agents.

(2) The off-site improvements related to and necessary to service the section have been completed and inspected and accepted by the director of planning, the director of public works, the director of public utilities or their agents, or the developer has provided surety acceptable to the bonding committee of the county.

(o) *Violations and penalties.* Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this section or permits any such violation or fails to comply with any of the requirements hereof or who erects any building or uses any building or any land prior to the approval of an occupancy certificate by the director of planning shall be guilty of a misdemeanor and upon

conviction thereof shall be subject to punishment as provided by section 24-110. Each day such violation continues shall constitute a separate offense.

Any building erected or improvements constructed contrary to any of the provisions of this section or any use of any building or land which is conducted, operated or maintained contrary to any provision of this section shall be and the same is hereby declared to be unlawful. The director of planning may initiate an injunction, mandamus or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this article. Such action may also be instituted by any property owner who may be particularly damaged by any violation of any provision of this article.

Upon his becoming aware of any violation of this article, the director of planning shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the director of planning has specified, he shall institute such action as may be necessary to terminate the violation. The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(p) Reserved.

(q) *Administrative site plans.*

(1) The following uses and development may be filed for administrative site plan approval:

a. Revisions, modifications and additions to previously approved, valid plans of development (POD) which are substantially in accordance with the previously approved plan of development (POD).

b. Future building additions indicated on valid plans previously reviewed by the planning commission or board of supervisors.

c. Landscaping, signage, lighting and similar plans not requiring planning commission approval.

(2) Administrative site plans shall be submitted to the director of planning with the information required in subsection (d) of this section and the application form. The director of planning shall be responsible for the processing and obtaining all agency review and approval of the plans. The review shall be completed within 30 calendar days from receipt of the completed application and plan unless the applicant requests or consents to an extension beyond such time period. If approval cannot be granted for the administrative site plan, the director of planning shall advise the applicant to file a plan of development (POD). The application shall be placed on the first meeting agenda of the planning commission after notice is given as required by subsection (f) of this section.

(3) Revisions, modifications and additions to administrative site plans shall be submitted and approved in the same manner as previously approved pursuant to this subsection.

(4) Administrative site plan approvals shall expire one year from the original date of the plan of development (POD) approval or administrative site plan approval unless a building permit has been approved or substantial site improvements are installed or being diligently pursued to completion.

(r) *Schematic site plans.* Uses and development requiring schematic site plan approval:

(1) Schematic site plans prepared by a professional engineer, surveyor or landscape architect must be submitted for review and approval for any use or development of 2,500 square feet or more of land disturbance except when a plan of development (POD), administrative site plan or other review as set forth in section 24-106(b)(6) is required by this chapter. The plans shall be submitted to the building official with a county building permit application form and the information required in paragraphs (2) and (3) of this subsection.

(2) Request for schematic site plan review and approval shall be accompanied by the applicant's certification that he will perform the measures included on the plan and sufficient copies of the plan as required by the director of planning. The building permit application shall be accompanied by a request for schematic site plan review and approval and the applicant's signature on the building

permit application certifies that the applicant will perform the measures included on the schematic site plan. For any such use or development not requiring a building permit, the schematic site plan shall be submitted directly to the planning office with an application form. Review shall be completed within 30 days unless the applicant agrees to or requests an extension of time.

(3) Every plan shall include the information required by sections 10-30 and 10-33 of chapter 10, article II of the County Code and the following information:

a. Boundary of entire lot by metes and bounds.

b. Building restriction lines to include Chesapeake Bay Preservation Areas, existing required and proposed utility easement(s), minimum yards and buffers or other improvements required by proffered conditions of rezoning.

c. All existing and/or proposed improvements, including wells, primary and secondary drainfields and reserved areas.

d. Certification by the engineer, surveyor or landscape architect indicating whether the lot is within Chesapeake Bay Preservation Areas.

(4) An approved plan shall become null and void if no significant work is done or development is made on the site within 12 months after final approval. There shall be no clearing or grading of any site without approval of the schematic site plan.

(Code 1980, § 22-106; Code 1995, § 24-106; Ord. No. 998, § 2, 2-22-2000; Ord. No. 1058, § 2, 11-12-2003; Ord. No. 1138, § 14, 11-10-2009)

Sec. 24-106.1. - Development and land disturbing activities within the special flood hazard area.

(a) *Purposes.*

(1) To prevent development and land disturbing activities from increasing flood or drainage hazards.

(2) To protect new buildings and major improvements to buildings from flood damage.

(3) To protect human life and health from the hazards of flooding.

(4) To lessen the burden on taxpayers for future flood and drainage control projects, repairs to flood-damaged public facilities and utilities and flood rescue and relief operations.

(5) To make federally subsidized flood insurance available for property within the county.

(b) *Definitions.* As used in this section, the following words and phrases shall have the meanings respectively ascribed to them by this subsection:

County comprehensive drainage study map. The most recent map approved by and maintained by the county engineer designating the 100-year floodplain in the county.

Damaged or destroyed building. A damaged or destroyed building or structure is one for which the cost of restoring the building or structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Developer. Any person who is responsible for development as defined in this section.

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings, manufactured homes, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Floodway. The channel of a river or other watercourse and the adjacent land areas shown on the most recent Flood Insurance Study or Federal Emergency Management Agency Flood Insurance Rate Map that must be reserved from encroachment in order to discharge a base flood without cumulatively increasing the water surface elevation of the flood by more than one foot.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this section or other applicable codes and ordinances.

Recreational vehicle. A vehicle which is (a) built on a single chassis, (b) 400 square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily as temporary living quarters for recreational, travel, camping or seasonal use.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of 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. The term includes structures that have incurred damage of any origin for which the cost of restoring the structure to its predamage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term does not include work to correct existing violations of state or local requirements to ensure safe living conditions or alterations that do not change the official designation of historic structures.

(c) *Permit – Required; application.* No developer may commence development within a special flood hazard area without first applying for and obtaining a permit from the county engineer. All applications for permits from the county engineer and all building permits for development in the special flood hazard area shall state the elevation of the lowest floor for all structures to be elevated or the elevation to which the structure will be floodproofed. Before issuing a permit for development in the special flood hazard area, the county engineer shall determine that the developer has obtained all necessary state and federal permits.

(d) *Permit – Criteria for issuance.* The county engineer may not issue a permit for development within the special flood hazard area unless the county engineer finds that each of the following criteria, when applicable, is met:

(1) The development will not (i) cause a rise in the base flood elevation or (ii) reduce the flood-carrying capacity of any watercourse, drainage ditch, or other drainage facility or system. This requirement may be satisfied by the developer's providing compensating channels, provided the plans for each such compensating area are first approved by the county engineer.

(2) For new buildings or structures, the elevation of the lowest floor (including basement) shall be a minimum of one foot above the base flood elevation.

(3) For substantial improvements to existing buildings or structures, the elevation of the lowest floor (including basement) shall be a minimum of one foot above the base flood elevation.

(4) If the development involves construction of a dam or other structure for the purpose of impounding water, the permit shall be issued only if the county engineer finds that the effect upon the base flood elevation above the dam will not endanger human life or property. The county engineer must also find that the dam or structure will be designed and constructed in accordance with the requirements of the Virginia Dam Safety Act, sections 10.1-604 et seq. of the Code of Virginia, as amended, regulations promulgated pursuant thereto, and any additional requirements of the county engineer to minimize hazards below the dam resulting from dam failure.

(5) If electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities are to be installed, they shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking, building access or storage that are subject to flooding shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer or architect.

(7) New construction complies with the specific requirements of the Uniform Statewide Building Code and its incorporated standards for construction in special flood hazard areas. All new construction and substantial improvements shall (a) be designed (or modified) and adequately anchored to prevent flotation, collapse and lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, and (b) be conducted by methods and practices that minimize flood damages.

(8) The developer has obtained all permits required by federal and state law.

(9) There are no encroachments, including fill, new construction, substantial improvements or other development within the floodway unless (a) hydrologic and hydraulic analysis performed in accordance with standard engineering practices show the encroachment will not result in any increase in flood levels in the county during a base flood and (b) the encroachment is approved by the Federal Emergency Management Agency.

(10) New and replacement water supply systems are designed to minimize or eliminate infiltration of floodwaters into the systems.

(11) New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Onsite waste disposal systems are located to avoid impairment to them or contamination during flooding.

(e) *Repair, replacement or reconstruction of damaged or destroyed buildings.* No repair, replacement or reconstruction of a damaged or destroyed building or structure may occur without complying with the requirements of this section applicable to new buildings or structures.

(f) *Plans required.* All applications for approval of plans of development shall include base flood elevation data in a form acceptable to the county engineer. If the property is in a special flood hazard area, the proposed development must provide adequate drainage and locate and construct all public utilities and facilities to minimize or eliminate flood damage.

(g) *Alteration or relocation of watercourse; notification.* Prior to approving any alteration or relocation of a watercourse within the base flood elevation shown on the most recent Federal Emergency Management Agency Flood Insurance Rate Map, the county engineer shall notify the Virginia Department of Conservation and Recreation and the Federal Insurance Administration and, if an adjacent city or county borders on the affected watercourse, the county engineer shall also notify such county or city. The county engineer shall not approve such alteration or relocation unless the flood-carrying capacity of the watercourse, as altered or relocated, is maintained.

(h) *Variance.* No variance shall be granted for any development within the special flood hazard area that will cause:

(1) Any increase in the flood levels during a base flood;

(2) Additional threats to public safety;

(3) Extraordinary public expense;

(4) Nuisances;

(5) Fraud or victimization of the public; or

(6) Conflicts with other ordinances.

Variances shall only be issued after the board of zoning appeals has determined that the variance will be the minimum relief necessary to alleviate the hardship. A record of all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the biennial report submitted to the Federal Insurance Administrator. The board shall notify the applicant in writing that a variance to construct a structure below the base flood elevation (a) increases the risk to life

and property and (b) will result in increased rates for flood insurance.

(i) *Recreational vehicles.* Recreational vehicles placed within the special flood hazard area must either:

(1) Be on the site less than 180 consecutive days and be fully licensed and ready for highway use; or

(2) Meet permit requirements for placement and the elevation and anchoring requirements for manufactured homes, as set forth in the Uniform Statewide Building Code and its incorporated standards, as amended.

A recreational vehicle is ready for highway use if it is on wheels or a jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.

(j) *Recreational uses.* Outdoor recreational uses, such as parks, tennis courts, and boat launching areas located within the special flood hazard area may not increase the base flood elevation and may not include the erection of a permanent structure unless the structure is approved by the Federal Emergency Management Agency.

(Code 1980, § 22-106.1; Code 1995, § 24-106.1; Ord. No. 1116, § 8, 11-27-2007)

Sec. 24-106.2. - Landscaping, tree cover, screen and buffer requirements, transitional buffering and design standards.

(a) *Purpose.* The purpose and objective of this section is to facilitate the creation of a convenient, attractive and harmonious community; to conserve and protect natural resources, including air and water quality; to enhance property values; to preserve the unique character of an area; and to encourage the appropriate use of land. In order to promote, restore and protect water quality and further the purposes of the Chesapeake Bay Preservation Area Designation and Management Regulations and performance criteria, this section is to be applied in conjunction with the county's subdivision, zoning, erosion and sediment control and building code ordinances as they apply to the development for subdivision of land within the county. Authority for this section is found in Code of Virginia, §§ 10.1-2108, 15.2-14.2 and 15.2-1200 et seq., as amended. More specifically, this section is intended to ameliorate the impact of more intense or incompatible uses by requiring a screen or buffer between such uses where they border less intense uses. Additionally, this section is intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat, the glare of motor vehicle lights, to diminish stormwater drainage problems, to prevent soil erosion, to provide shade and to enhance the appearance of parking lots. Additionally, this section requires the preservation and planting of trees on sites to provide a specified percentage of tree cover at ten years' maturity.

(b) *Compliance with the requirements of section 24-106.2.* Compliance with the requirements of section 24-106.2 shall not be required for:

(1) Applications for plans of development, building permits or conditional subdivision approvals which met or exceeded the requirements in effect at the time of filing and were filed before November 15, 1991; or

(2) Applications for amendment of a plan of development, building permit or conditional subdivision approval which was granted or approved before November 15, 1991, if the amendment would not increase building or parking lot size and is necessary to improve public safety and health.

Prior approval of master plans or schematic concept plans by the director of planning or the planning commission shall not relieve an owner or developer from compliance with the requirements of section 24-106.2 for development plans filed after November 15, 1991.

(c) *General standards.* The following standards shall apply to the preservation, installation and permanent retention of all landscaping, tree cover, screens and buffers required by the provisions of this chapter:

(1) *Approval required.* The planting and maintenance of all trees and shrubs shall be in accordance with an approved tree protection plan and approved landscape plan when required.

(2) *Tree cover.* All trees required to meet the tree cover provisions of this section shall meet the

following minimum size standards:

a. Large and medium deciduous trees: A minimum caliper of at least 2½ inches at the time of planting.

b. Small deciduous trees: A minimum height of six feet at the time of planting and measured from the ground elevation after planting.

c. Evergreen trees: A minimum height of six feet at the time of planting and measured from the ground elevation after planting.

(3) *Tree preservation.* Preservation of existing trees and shrubs shall be maximized wherever practicable. Except when otherwise necessary to provide access or when exempted by this section, any tree six inches or greater in caliper located within the setback from a public right-of-way shall be retained. Tree removal may be approved where site design modification is not feasible. Any healthy existing tree or shrub may be included for credit towards the requirements of this section. If any preserved tree or shrub that has been credited dies within three years of construction, trees or shrubs shall be planted to meet the minimum tree cover canopy density.

(4) *Maintenance.*

a. The owner shall be responsible for maintenance, repair and replacement of landscaping materials, buffering and screening that is required by any provision of this chapter. Replacement landscaping must be in accordance with minimum standards of this chapter.

b. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. All diseased and/or dead plant materials, except leaves and other normal forest litter, shall be promptly removed and replaced during the normal planting season and in all cases within a year.

c. Fences, walls and screens, including gates and doors, shall be maintained in good repair by the owner.

(d) *Tree protection plan.* In addition to plans required by the appropriate application, an application for any land disturbing activity greater than 2,500 square feet and/or any land development approval shall include a tree protection plan. This plan must be approved by the director of planning before any other land development activity is approved.

(1) A tree protection plan which meets tree cover requirements of section 24-106.2 must be submitted for the following applications:

a. Conditional and final subdivision plans and required construction plans for such subdivisions.

b. Plans of development.

c. Erosion and sediment control plans.

d. Conditional, special and provisional use permits.

e. Building permits for one-family residence lots which contain Chesapeake Bay Preservation Areas.

f. Certificates of use and occupancy.

(2) A tree protection plan shall include the following information:

a. Identification of tree protection zone boundaries.

1. Limits of land disturbance, clearing, grading and trenching.

2. Tree protection zones.

3. Specimen, memorial and heritage trees and stands of trees.

4. Areas of revegetation.

5. Limits of wetlands, tributary streams and 100-year floodplains (base flood hazard area).

6. Limits of Chesapeake Bay Resource Protection Areas.

7. All existing and proposed easements including utility and drainage easements.

8. Tree cover calculations excluding one-family dwelling lots.

9. The location of all buffers required by proffered zoning conditions or the County Code, including resource protection area buffers.

b. Detailed drawings of tree protection measures.

1. Protective tree fencing.

2. Reserved.

3. Transplanting specifications.

4. Tree wells and aeration systems.

5. Staking specifications.

6. Other applicable drawings.

c. Procedures and schedules for the implementation, installation and maintenance of tree protection measures. The procedures and schedule must require that the tree protection measures shall be installed prior to any land disturbing activity.

d. Identification of all zoning proffers relating to buffers, landscaping, screening, mounds, erosion and sediment control and water quality maintenance or protection.

(3) The plan shall be reviewed by the director of planning for conformance with applicable proffered conditions and the provisions of this chapter, and the director of planning shall either approve or return the plan for revisions. Reasons for disapproval shall be annotated on the plan or otherwise stated in writing. Approval and issuance of the land development permit shall be contingent upon approval of an adequate tree protection plan. The county landscape manual sets forth the various administrative procedures and guidelines to meet the intent and requirements of this section.

(e) *Landscape plan and planting requirements.*

(1) *General requirements.*

a. In addition to a tree protection plan and any plans required by the appropriate application, an application for any land disturbing activity that exceeds 2,500 square feet or any land development approval shall include a landscape plan.

b. Such plans shall be drawn to a suitable scale, including dimensions and distances, to delineate all existing and proposed property and right-of-way lines, existing and proposed buildings, easements, parking spaces or other vehicle use areas, access aisles, driveways, dumpsters and trash receptacles and other features. Such plans shall also clearly identify all landscape matters regulated by proffered zoning conditions. The location, size and description of all existing and proposed landscaping materials and tree cover necessary to meet the requirements of this chapter shall be identified in a manner adequate to indicate compliance.

c. The landscaping measures and tree cover required by this section shall be shown on such plan and shall be completed and/or installed or planted according to the approved plan and specifications prior to the issuance of any permanent certificate of use and occupancy or other final approval. Such approval shall be after appropriate inspection and certification by the director of planning that the provisions of this section and other provisions of this chapter have been met and that the installation and/or construction of all required landscaping and/or other required improvements is accomplished or otherwise guaranteed.

(2) *Tree cover requirements.*

a. Except as exempted below, all developments requiring approval of a site and/or construction plan shall provide minimum tree cover at ten years' maturity as set forth below. Because the intent of this chapter is to enhance environmental protection, aesthetics and property values of developed land, the approved plans shall provide for a reasonable distribution of trees

throughout the site and shall reflect the topography and configuration of the site and the location of existing and/or proposed improvements, and shall be in conformance with good horticultural practices.

Zoning districts	*Percent Tree Cover*
Business and industrial	10
Office, O/S office service, residential manufactured home park and general residence and residential townhouse when used for two or more family dwellings	15
Agricultural, excluding one-family dwellings, conservation and institutional	20

b. The tree cover requirement shall be calculated and shown on the landscape plans. The method of calculating the required tree cover shall be contained in the county landscape manual.

c. Tree preservation credit.

1. Existing trees which are to be preserved may be utilized to meet all or part of the tree cover requirements if these existing trees are identified on the approved tree protection plan.

2. The credit provided for freestanding trees or clusters of trees will be 1.25 multiplied by the area defined by the boundaries of the existing dripline of a freestanding tree or group of trees as surveyed in the field and delineated on the tree protection plan. A credit of up to 2.0 may be granted by the director of planning for trees of outstanding size and quality.

d. Tree planting credit.

1. Trees planted in parking lot interior landscaping, parking lot peripheral landscaping, transitional screening or buffer areas, landscaped open space, revegetation, tree supplementation, tree replacement and other trees that are planted on the site may qualify for tree cover credit.

2. The tree cover calculations for planted trees shall be based upon the projected ten years' maturity for each tree. Other trees and larger tree sizes may be given tree cover credit with submission of supporting tree cover data.

e. Permitted deviations.

1. The director of planning may approve a plan which deviates from the requirements of this section when necessary:

i. To allow for the reasonable development of farmland or other areas devoid of woody materials.

ii. To allow for clearing and grading required to achieve positive, proper drainage away from residential structures.

iii. To allow for the reasonable development of dedicated school sites, playing fields and other nonwooded recreation areas.

iv. To allow for the preservation of wetlands.

v. To avoid unreasonable hardship to the owner.

2. When permitting deviations from the strict requirements of this section, the director of planning may impose conditions to accomplish the intent of this section.

(3) *Transitional buffer requirements.*

a. General requirements.

1. Transitional buffers shall be provided as required on the matrix chart which is part of this chapter.

In individual cases, the director of planning or the planning commission may approve modifications of the minimum transitional buffer requirements contained in the matrix if the director of planning or the planning commission:

i. Determines that the owner or developer has proposed modifications which meet the spirit and intent of this section; and

ii. Imposes any additional conditions or requirements necessary to meet the spirit and intent of this section.

2. Transitional buffers shall be provided when the zoning district and use indicated in the left column of the matrix is contiguous to or across the street from the zoning district and use indicated across the top of the matrix. Permitted alternatives to reduce the width of required transitional buffers are identified by letter below the numerical buffer designation on the matrix chart.

3. Where the lot and/or structure is to contain more than one use or category of uses as listed in the matrix, the matrix category requiring the largest buffer shall apply; provided, however, that the director of planning may apply the requirements of the matrix for the other use or uses because of physical conditions or the arrangement of the uses on the property.

4. The uses in the matrix are listed in abbreviated form. Similar uses included in the district regulations shall be subject to the same matrix requirements.

5. Where a proposed or existing use on the abutting property is not listed in the matrix, the director of planning shall determine the appropriate district and apply the matrix's requirements for that district.

Matrix Transitional Buffer Requirements and Permitted Alternatives	R-O R4A	RMP	R5 R5A	RPN	R-6	RTH	O-1	O-2	O-3	O/S	O/S-2	A-1	B-1	B-2	B-3	M-1	M-2	M-3	PMD	C-1	I-1

R-O through R-4A	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35 CDEF	0
RMP Manufactured Home Park	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
R-5 and R-5A General Residential, Multifamily, Child Care	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RPN Planned Neighborhood, 50	10	10	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

–100 Acres																					
R-6 Nursing Homes, Child Care and Similar Uses	10	10	10	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RTH Residential Townhouse, Condominiums	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
O-1 Medical Offices, Studio	10	10	10	10	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

, Child Care																					
O-2 Professional Offices, Banks, Funeral Homes	10	10	10	10	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
O-3 Above + Hotel, Motel, Radio, Trade School	25	10	10	10	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
O/S Above + Light Industrial	50	50	50	50	50	50	25	25	25	0	0	50 CDEF	25	25	25	25	25	25	25	25	25

and Warehouse																					
O/S-2 Office Service 2	50	50	50	50	50	50	25	25	25	0	0	50 CDEF	25	25	25	25	25	25	25	25	25
A-1 Agricultural District	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
B-1 Business – Low Intensity Retail	10 BD	10 BD	10 BD	10 BF	10 BD	10 BD	10 BD	10 BD	0	0	0	10 BD	0	0	0	0	0	0	0	0	0
B-2 Community and Community	25 D	25 D	25 D	25 D	25 D	25 D	10 B	10 B	10 B	0	0	25 D	0	0	0	0	0	0	0	0	0

Shop Service Activity																					
B-3 Community Auto Recreational Service	35 CDEF	35 CDEF	35 CDEF	35 CDEF	35 CDEF	35 CDEF	10 CE	10 CE	10 CE	10 CE	10 CE	35 CDEF	0	0	0	0	0	0	0	0	0
M-1 Light Industrial Uses	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	25	25	25	25	25	50 CFG	10	10	10	0	0	0	0	0	0
M-2 General Industrial	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	35 CDEF	35 CDEF	35 CDEF	35 CDEF	35 CDEF	50 CFG	25	25	25		0	0	0	0	0
M-3 Heavy Indust	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	50 CFG	50 CDEF	50 CDEF	50 CDEF	50 CDEF	50 CDEF	50 CFG	35 CD	35 CD	35 CD	10	0	0	0	0	0

rial																					
PMD Planned Industrial District	35 CDEF	35 CDEF	35 CDEF	35 CDEF	35 CDEF	35 CDEF	10	10	10	10	10	35 CDEF	10	10	10	10	0	0	0	0	0
C-1 Conservation District	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
I-1 Institutional District	50 EFG	50 EFG	50 EFG	50 EFG	50 EFG	50 EFG	25	25	25	25	25	50 EFG	0	0	0	0	0	0	0	0	0

6. Transitional buffers shall be required at the outer boundaries of a lot and shall be provided except where driveways or other openings are permitted. Transitional buffer areas are not required between uses that are to be developed under an approved overall development plan or phased development plan when the plan provides for phases of future development between which transitional buffers are not required.

7. A transitional buffer may be provided within the required minimum yard and shall be governed by the following standards. Where the configuration of the site, the location of existing and proposed buildings and/or structures, the location of overhead utility lines, trees or other physical limitations prevent adherence to these standards, the director of planning may permit substitution of equivalent alternative plantings consistent with this section.

8. Existing mature vegetation located within required buffers shall be maintained by the owner unless removal is approved by the director of planning or exempted by this section. Such vegetation must to be supplemented if necessary to met this section's requirements.

b. Transitional buffer categories and specifications.

1. There shall be four different transitional buffer categories. These categories are abbreviated on the matrix and are defined below. The following specifications for transitional buffers set forth the number of plants required per 100 linear feet. To

determine the total number of plants required, the length of each side of the property shall be divided by 100 and multiplied by the number of plants indicated in the transitional buffer required as follows:

i. Transitional buffer ten shall consist of an unbroken strip or open space a minimum of ten feet wide and planted with:

1) Two large deciduous or evergreen trees with an ultimate height of 50 feet or greater and one small deciduous or evergreen tree with an ultimate height of 20 feet or greater and 25 shrubs for every 100 linear feet or portion thereof.

2) A wall or fence of approved design and materials located in a landscaped planting strip may reduce the width of the buffer. Permitted buffer alternative screens are identified on the matrix chart.

ii. Transitional buffer 25 shall consist of an unbroken strip of open space a minimum of 25 feet wide and planted with:

1) Four large deciduous or evergreen trees with an ultimate height of 50 feet or greater plus two small evergreen or deciduous trees with an ultimate height of 20 feet or greater and 16 shrubs with an ultimate height of ten feet or greater for every 100 linear feet or portion thereof.

2) A screen, wall or fence of approved design and materials may reduce the width of the buffer area by as much as twice the height of the screen, wall or fence. Permitted buffer alternative screens are identified on the matrix chart.

iii. Transitional buffer 35 shall consist of an unbroken strip of space a minimum of 35 feet wide and planted with:

1) Five large deciduous or evergreen trees with an ultimate height of 50 feet or greater plus 2½ small deciduous or evergreen trees with an ultimate height of 20 feet and 19 shrubs with an ultimate height of ten feet for every 100 linear feet.

2) A screen, wall or fence of approved design and materials may reduce the width of the buffer area by as much as twice the height of the screen, wall or fence. Permitted buffer alternative screens are identified on the matrix chart.

iv. Transitional buffer 50 shall consist of an unbroken strip of space, a minimum of 50 feet wide, planted with:

1) Seven large deciduous or evergreen trees with an ultimate height of 50 feet or greater plus four small deciduous or evergreen trees with an ultimate height of 20 feet or greater and 24 shrubs with an ultimate height of ten feet for every 100 linear feet.

2) A screen, wall or fence of approved design and materials may reduce the width of the buffer area by as much as twice the height of the screen, wall or fence. Permitted buffer alternative screens are identified on the matrix chart.

c. Transitional buffer alternatives; screens.

1. In determining equivalent transitional buffer alternatives, the planning commission and the director of planning shall be guided by the following standards:

i. Screens shall be located adjacent to the use or activity which requires buffers and shall be situated where they will most adequately perform their intended function as determined by the director of planning. Any necessary bracing, supports or posts shall be on side of the screen facing the use which must provide the screen.

ii. When the side of a building or a special screen is to be used or the land between the building or screen and the property lines has been specifically designed to

minimize adverse impacts through a combination of architectural and landscaping techniques, such alternative may be used if the matrix allows a screen alternative and the director of planning finds it will meet the intent of these requirements.

iii. Where unusual topography or certain specific problems such as glare, lights or noise are present, the use of an earth mound, masonry wall or more specialized fence material in combination with any of the screen types may be approved by the director of planning if consistent with the purposes of this section.

iv. The transitional buffer screen alternatives are set forth below. Use of these alternatives may be permitted if the director of planning finds that use of the proposed screen alternative will be consistent with the purposes of this section.

The transitional buffering width and planting requirements may be reduced where alternatives are listed on the matrix chart. Construction of a brick or solid, opaque architectural wall of approved material and design may reduce the buffer width by two times the height of the permitted alternative.

1) Screen A shall consist of a six-foot-high wall of brick or architectural block of approved design and materials when placed within a landscaped planting strip at least five feet wide.

2) Screen B shall consist of a six-foot-high opaque wood or otherwise architecturally solid fence of approved design and materials when placed within a landscaped planting strip at least five feet wide.

3) Screen C shall consist of an evergreen planting with an ultimate height a minimum of 42 to 48 inches and planted height of 36 inches.

4) Screen D shall consist of a six-foot-high wall of brick or architectural block of approved design and materials.

5) Screen E shall consist of a six-foot-high opaque wood or otherwise architecturally solid fence of approved design and materials.

6) Screen F shall consist of a eight-foot-high wall of brick or architectural block of approved design and materials.

7) Screen G shall consist of a ten-foot-high wall of brick or architectural block of approved design and materials.

(4) *Parking lot landscaping required.*

a. Parking lot peripheral landscaping. If any parking lot contains six or more spaces and transitional buffering is not required, peripheral parking lot landscaping shall be required as follows:

1. Where the property line abuts land other than the right-of-way of any street:

i. A landscape strip six feet in width shall be located between the parking lot and the abutting property lines, except in driveways or other openings where impractical. Where such strip would adversely separate functional parking areas and reduce efficiency and vehicular circulation, an equivalent area may be provided in landscape islands.

ii. At least two trees for each 100 linear feet shall be planted in the landscape strip. At least one tree shall be planted in every landscape strip.

2. Where the property line abuts the right-of-way of a street:

i. A landscape strip ten feet in width shall be located between the parking lot and the property line. The landscape strip may include a sidewalk or trail. Where easements preclude such landscape strip adjacent to the right-of-way, it shall either be situated adjacent to the easement if practicable or an equivalent area shall be provided as

close as practicable to the right-of-way or easement.

ii. At least 2½ trees for each 100 linear feet shall be planted in the landscape strip. At least one tree shall be planted in every landscape strip.

b. Parking lot interior landscaping:

1. All parking lots of six or more spaces shall be provided with interior landscape areas containing not less than five percent of the total area of the parking spaces. Such landscaping shall be in addition to any planting or landscaping within six feet of a building, parking lot peripheral landscaping and transitional buffering required by this section.

2. The landscape areas shall be reasonably dispersed throughout the parking lot.

3. No parking area shall include a line of more than 19 spaces uninterrupted by a landscape area at least nine feet in width and containing at least 162 square feet. The interior dimensions of any planting area shall be sufficient to protect all landscape materials planted therein.

4. Areas for vehicle storage or nonpublic parking areas, such as vehicle storage lots and automotive display lots, shall be exempt from these requirements if the area is screened as otherwise required by this chapter in accordance with an approved plan.

(5) *Administration and approvals, revisions and appeals.*

a. The director of planning shall be responsible for the administration, approval and enforcement of tree protection plans, buffer and landscape plans as specified in this section. The review and approval of such plans shall be completed within 30 calendar days from receipt of the completed application and plan unless the applicant requests or consents to an extension beyond such time period.

b. Revisions, modifications and/or additions to approved plans shall be submitted, reviewed and approved in the same manner as previously approved.

c. Appeals from final decisions of the director of planning shall be to the planning commission with notification to property owners pursuant to subsection 24-106(f) of this chapter.

d. Repealed.

(Code 1980, § 22-106.2; Code 1995, § 24-106.2; Ord. No. 980, § 4, 9-23-1998)

Sec. 24-106.3. - Chesapeake Bay preservation.

(a) *Purpose.* The purpose of this section is to:

(1) Protect Chesapeake Bay Preservation Areas which if improperly developed may result in a substantial adverse impact to the waters of the Chesapeake Bay and its tributaries;

(2) Reduce nonpoint source pollution to state waters;

(3) Promote and restore the high quality of state waters in order to provide for the health, safety and welfare of the present and future residents of the county and the Commonwealth of Virginia; and

(4) Establish standards and criteria to prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice (BMP), achieve a ten percent reduction in nonpoint source pollution from development on previously developed land where the runoff was not treated by one or more BMPs, and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses.

Statutory authority for this section is provided by the Code of Virginia, §§ 10.1-2100 et seq. and 15.2-2283.

(b) *Areas of applicability.* This section governs the identification of Chesapeake Bay Preservation Areas in the county and applies to all land identified under its provisions as resource protection areas (RPAs) and

resource management areas (RMAs). These areas collectively referred to as Chesapeake Bay Preservation Areas shall be as defined in this chapter. The planning office shall maintain maps of all Chesapeake Bay Preservation Areas, the extent of which are identified from available mapping resources, but such maps are for illustrative purposes only and do not definitively identify all Chesapeake Bay Preservation Areas. In the event of a conflict between the terms of this section and the maps, the provisions of this section shall govern.

(1) In their natural condition, RPAs provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. The RPA shall consist of:

a. Tidal wetlands.

b. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow.

c. Tidal shores.

d. Such other lands which the board of supervisors may designate by ordinance to provide the benefits set forth in subsection (b)(1) above and which are necessary to protect the quality of state waters; and

e. A vegetated buffer area no less than 100 feet in width located adjacent to and landward of the components listed in subsections a. through d. above, and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with subsections (f) and (g) of this section.

Designation of the components listed in subsections (b)(1)a through d shall not be subject to modification unless based on reliable, site-specific information as provided for in subsection (c)(3) of this section.

The director of public works/county engineer shall determine whether water bodies have perennial flow by the use of a scientifically valid system of in-field indicators of perennial flow. Site-specific determinations shall be made or confirmed by the director of public works/county engineer pursuant to subsection (c)(3) of this section.

(2) A RMA shall be provided contiguous to the entire inland boundary of the RPA. Where mapping indicates the presence of the following land types contiguous to RPAs, the following shall be classified as an RMA:

a. All areas specifically designated as RMAs by ordinance by the board of supervisors because of their potential effect on water quality.

b. Base flood hazard areas (100-year floodplains)

c. Highly erodible soils, including steep slopes.

d. Highly permeable soils.

e. Nontidal wetlands not included in RPAs; and

f. Where the land contiguous to RPAs is not an RMA as defined above, the 100-foot area contiguous to the RPA.

(c) *Identification of Chesapeake Bay Preservation Areas.*

(1) The director of planning shall develop maps delineating Chesapeake Bay Preservation Areas. These maps are only intended as general guides to the location of Chesapeake Bay Preservation Areas in the county and are not conclusive evidence of inclusion or exclusion. Owners may demonstrate that their property is not within a Chesapeake Bay Preservation Area, even if mapped, by submission of an environmental site assessment containing the elements listed in section 10-33 of the County Code.

(2) Questions concerning boundaries of Chesapeake Bay Preservation Areas shall be resolved by the director of public works/county engineer based upon submission of an environmental site assessment.

(3) As part of the plan of development review process pursuant to section 24-106 of this chapter or during the review of a water quality impact assessment pursuant to section 10-39(b) of the County Code, the director of public works/county engineer shall ensure or confirm that (1) a reliable, site-specific evaluation is conducted to determine whether water bodies on or adjacent to the development site have perennial flow and (2) RPA boundaries on the site are adjusted, as necessary, based on this evaluation of the site. The director of public works/county engineer may conduct the site evaluation or require the applicant to conduct the evaluation and submit the required information for review.

(4) After approval of land development in Chesapeake Bay Preservation Areas is granted, prior to any land disturbing activity, all wetlands shall be conspicuously flagged or otherwise identified and not disturbed unless authorized by law.

(d) *Permitted development in RPAs.* There shall be no development in RPAs unless permitted by the zoning district(s) of the lot and unless development is limited to:

(1) New or expanded water-dependent facilities which satisfy the following conditions:

a. The use does not conflict with the comprehensive plan; and

b. The facility complies with the performance criteria set forth in subsection (g) of this section; and

c. Any non-water-dependent components are located outside of RPAs; and

d. Access will be provided with the minimum disturbance necessary. Where possible, a single point of access will be provided.

(2) Redevelopment on isolated redevelopment sites, but only if there is (a) no increase in the amount of impervious cover within the RPA, (b) no further encroachment within the RPA, and (c) compliance with the applicable erosion and sediment control criteria set forth in the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations, the erosion and sediment control requirements in chapter 10 of the County Code, and all applicable stormwater management requirements of state and federal agencies.

(3) Roads and driveways not exempted by subsection (k) of this section may be constructed within or across RPAs provided the following conditions are met:

a. The director of public works/county engineer makes a finding that there are no reasonable alternatives for the proposed alignment within or across the RPA.

b. The proposed alignment, design and construction is optimized consistent with other applicable requirements to minimize (i) encroachment in the RPA and (ii) adverse effects on water quality.

c. The design and construction is in accordance with the applicable criteria of this section, including submission of a water quality impact assessment; and,

d. The plan for the road or driveway is reviewed and approved during the site plan, subdivision, or plan of development approval process.

(4) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs, provided that such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations and that:

a. The director of public works/county engineer has conclusively established that location of the facility within the RPA is the optimum location and has given approval before construction;

b. The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;

c. The facility is consistent with a comprehensive stormwater management plan that has been developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program regulations;

d. All applicable permits for construction in state or federal water have been obtained from the appropriate state and federal agencies;

e. Maintenance agreements have been executed to allow the county to perform routine maintenance on such facilities to ensure that they continue to function as they were designed. It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within a RPA.

(5) New uses established pursuant to section 24-106.3(f)(2)(b).

(6) For any proposed land disturbance in RPAs, a water quality impact assessment in accordance with section 10-39(b) of the County Code shall be submitted for approval by the director of public works/county engineer.

(e) *Permitted development in RMAs.* Any development permitted and regulated by the zoning district(s) of the lot shall be allowed in RMAs subject to the performance criteria of subsection (g) of this section.

(f) *Buffer requirements in RPAs.*

(1) The 100-foot wide buffer area shall be the landward component of the RPA. Notwithstanding permitted uses, encroachments, and vegetation clearing as set forth in this section and in accordance with the provisions of article II of chapter 10 of the County Code, the 100-foot wide buffer area shall not be reduced in width. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a 100-foot wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present or established where it does not exist.

a. The 100-foot wide buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.

b. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot wide buffer shall be reestablished. In reestablishing the buffer, management measures shall be undertaken to provide woody vegetation that accomplishes the buffer functions set forth in this section.

(2) The buffer shall be maintained as follows:

a. In order to maintain the functional value of the buffer, indigenous vegetation may be removed with the approval of the director of public works/county engineer only to provide for reasonable sight lines, access paths, general woodlot management and BMPs, including those that prevent upland erosion and concentrated flows of stormwater, as follows:

1. Trees may be pruned or removed as necessary to provide for sight lines and vistas; provided, that where 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 path shall be constructed and surfaced so as to effectively control erosion.

3. Dead, diseased or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be allowed pursuant to sound horticultural practices adopted by the county.

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 the requirements of this section for a buffer would result in the loss of a buildable area

on a lot recorded prior to October 1, 1989, encroachments into the buffer area may be allowed by the director of public works/county engineer in accordance with the following criteria:

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

2. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot.

3. The encroachment may not extend into the seaward 50 feet of the buffer area.

c. When the requirements of this section for a buffer would result in the loss of a buildable area on a lot recorded between October 1, 1989, and March 1, 2002, encroachments into the buffer area may be allowed by the director of public works/county engineer in accordance with the following criteria:

1. The lot or parcel was created as a result of a legal process conducted in conformity with chapter 19 of the County Code;

2. Conditions or mitigation measures imposed through a previously approved exception are met;

3. If the use of a BMP was previously required, the BMP has been evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required;

4. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

5. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot; and

6. The encroachment may not extend into the seaward 50 feet of the buffer area.

d. On agricultural lands the agricultural buffer shall be managed to prevent concentrated flows of surface water from breaching the buffer and noxious weeds from invading the buffer area. Agricultural activities may encroach into the buffer as follows:

1. Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural BMP which, in the opinion of the Henricopolis Soil and Water Conservation District Board, addresses the more predominant water quality issues on the adjacent land (erosion control or nutrient management) is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the BMP achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations" (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation.

2. Agricultural activities may encroach into the landward 75 feet of the 100-foot wide buffer area when agricultural BMPs which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, must be developed consistent with the "Virginia Nutrient Management Training and Certification

Regulations" (4 VAC 5-15 et seq.) administered by the Virginia Department of Conservation and Recreation. In conjunction with the remaining buffer area, this collection of BMPs shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

3. The buffer need not be designated adjacent to agricultural drainage ditches if the adjacent agricultural land has in place at least one BMP considered by the Henricopolis Soil and Water Conservation District Board to address the more predominant water quality issue on the adjacent land (erosion control or nutrient management).

4. If the director of public works/county engineer identifies specific problems with agricultural activities which are causing pollution of a nearby water body with perennial flow or which violate performance standards for the vegetated buffer area, the director of public works/county engineer, in conjunction with the Henricopolis Soil and Water Conservation District, shall recommend a compliance schedule and require the landowner to correct the problems. This schedule shall expedite environmental protection while taking into account seasonal and other temporal considerations to maximize the probability of successful implementation of the corrective measures.

5. When the owner has refused assistance from the Henricopolis Soil and Water Conservation District in complying with or documenting compliance with the agricultural requirements of this section, the district shall report the noncompliance to the director of public works/county engineer. The director of public works/county engineer shall recommend a compliance schedule and require the owner to correct the problems within 18 months of the initial notification of the deficiencies to the owner. This schedule shall expedite environmental protection while taking into account seasonal and other temporal considerations to maximize the probability of successful implementation of the corrective measures.

6. A water quality impact assessment shall be required for any proposed development within the RPA consistent with this section and for any other development in CBPAs that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.

(a) The purpose of the water quality impact assessment is to identify the impacts of proposed development on water quality and lands in the RPAs consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this chapter and this section for mitigation of those impacts. The specific content and procedures for the water quality impact assessment have been established in section 10-39(b).

(b) The water quality impact assessment shall be of sufficient specificity to demonstrate compliance with the criterial of this section.

(g) *Chesapeake Bay Preservation Area development standards and general performance criteria.* Any use, development or redevelopment of land in Chesapeake Bay Preservation Areas shall also satisfy the following criteria:

(1) No more land shall be disturbed than is necessary to provide for the proposed use or development.

a. Ingress and egress during construction shall be limited to one access point unless otherwise approved by the director of public works/county engineer.

b. The limits of clearing and/or grading shall be marked on all site plans submitted for approval. These limits should be the smallest necessary for development, and the construction footprint may not violate the setbacks established in the zoning ordinance for the zoning district.

(2) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the

proposed use and development. Such vegetation and new or replacement vegetation shall be reviewed and approved in accordance with section 24-106.2 of this chapter.

(3) Land development shall minimize impervious cover consistent with the proposed use or development.

(4) All development of 2,500 square feet or more of land disturbance shall obtain approval in accordance with section 24-106 of this chapter and section 10-34 of the County Code.

(5) Any land disturbing activity of 2,500 square feet or more (including construction of all one-family dwellings, septic tanks and drainfields) shall comply with article II of chapter 10 of the County Code. Enforcement for noncompliance with the erosion and sediment control requirements shall be conducted under the provisions of the Erosion and Sediment Control Law and attendant regulations.

(6) The director of public works/county engineer shall require evidence that all wetlands permits required by law are obtained prior to authorizing grading and other on-site activities to begin.

(7) For new construction, any on-site sewage treatment system not requiring a VPDES permit shall have a reserved sewage disposal site with a capacity at least equal to the primary sewage disposal site on the same lot in accordance with the requirements of section 23-60 of the County Code. Owners of all on-site sewage treatment systems that do not require a VPDES permit shall, at least once every five years, either pump out their septic tanks and submit documentation thereof, or submit documentation, certified by an operator or on-site soil evaluator licensed or certified under chapter 23 of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design on-site sewage systems, that the septic system has been inspected within the last five years, is functioning properly, and the tank does not need to have the effluent pumped out of it. All documentation shall be submitted to the director of public works. Building shall be prohibited on the area of all sewage disposal sites.

(8) Land upon which agricultural activities are being conducted, including, but not limited to, crop production, pasture and dairy and feed lot operations, and land otherwise defined as agricultural land by the County shall have a soil and water quality conservation assessment that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides. Where necessary, there shall be a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with this section and the following provisions of subsection 8 of 9VAC25-830-130:

a. Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices that are recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed, consistent with cost-share practice standards effective in January 1999 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, respectively. Unless otherwise specified in this section, general standards pertaining to the various agricultural conservation practices being assessed shall be as follows:

(1) For erosion and sediment control recommendations, the goal shall be, where feasible, to prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System, referred to as an "ACS", as defined in the "Field Office Technical Guide" of the U.S. Department of Agriculture Natural Resource Conservation Service.

(2) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85).

(3) For pest chemical control, referrals shall be made to the local cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide" or other Extension materials related to pest control.

b. A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.

c. The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the Henricopolis Soil and Water Conservation District Board, which will be the plan-approving authority.

(9) Any man-made change to the land surface that potentially changes its runoff characteristics, including clearing, grading, or excavation, shall comply with the requirements of 9VAC25-870-51 and 9VAC25-870-103 unless the activity is exempted by Code of Virginia § 62.1-44.15:34(C).

(h) *Review and approval procedure.* Except as herein provided, the review and approval procedures for uses and development impacting on Chesapeake Bay Preservation Areas shall be as provided in this chapter, article II of chapter 10 (Stormwater Management), chapter 19 (Subdivisions) and chapter 23 (Water and Sewer).

(i) *Restrictions.*

(1) Except as permitted and regulated by this section and as further regulated by article II of chapter 10 of the County Code, all land disturbing activities, development and clearing of live vegetation in Chesapeake Bay Preservation Areas and the associated buffer is prohibited.

(2) Where the provisions of this section are more restrictive or in conflict with any other provisions of this chapter, or other chapters of the County Code, or where the provisions of this section impose a greater requirement or higher standard than state or federal law, the provisions of this section shall govern.

(j) *Administration and enforcement.* The director of public works/county engineer shall be responsible for the administration and enforcement of the water quality provisions of this section and for the initial review, approval or disapproval of exemptions and waivers. Decisions of the director of public works/county engineer may be appealed by the applicant to the county manager within 15 working days of the decision being appealed. The county manager's decision shall be the final decision of the county.

(k) *Exemptions.* The following uses and development as regulated by this subsection shall be exempt from the provisions of this section but shall be subject to the other provisions of this chapter:

(1) Construction, installation, operation and maintenance of electric, fiber optic, natural gas and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with regulations promulgated pursuant to the Erosion and Sediment Control Law (Code of Virginia, § 62.1-44.15:51 et seq., as amended) and the Stormwater Management Act (Code of Virginia, § 62.1-44.15:24 et seq., as amended) and an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Environmental Quality.

Public roads shall be designed, approved and constructed to prevent or otherwise minimize

encroachment in the RPA and adverse effects on water quality. For purposes of this subsection, "public road" means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to Code of Virginia, §§ 62.1-44.15:51 and 62.1-44.15:2 et seq., as amended. This definition includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the county in accordance with county standards. Appurtenant structures include, but are not limited to, bridges, culverts, guardrails, drainage facilities, lighting, traffic control devices, fences, and berms.

(2) Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned or permitted, or both, by the county provided:

a. To the degree possible, the location of such utilities should be outside RPAs.

b. No more land shall be disturbed than is necessary to provide for the proposed utility installation.

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

d. Any land disturbance of 2,500 square feet or more shall comply with the applicable erosion and sediment control requirements of chapter 10 of the County Code.

(3) Water wells, passive recreation facilities, such as boardwalks, trails and pathways, and historic preservation activities and archaeological activities, provided any such activity disturbing 2,500 square feet or more of land shall comply with the applicable erosion and sediment control requirements of chapter 10 of the County Code and approval is obtained from the director of public works/county engineer.

(4) Silvicultural activities, provided such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the Fifth edition (March 2011) of "Forestry Best Management Practices for Water Quality Technical Manual."

(l) *Exceptions.*

(1) Exceptions to subsections (d) and (f). A request for an exception to the requirements of subsections (d) and (f) of this section shall be made in writing to the planning commission. The request shall include a sketch or site plan providing the name of the applicant, a legal description of the property, a sketch location of all proposed improvements, the boundary of RPAs and RMAs, and the location of existing private water supply and existing or proposed on-site sewage systems and primary and reserve sewage drainfields. The request shall also identify the impacts of the proposed exception on water quality on lands within the RPA through a water quality impact assessment which complies with the provisions defined in article II of chapter 10 of the County Code. An environmental site assessment as described in section 10-33 and a water quality impact assessment as described in section 10-39 of chapter 10 of the County Code must be submitted.

The planning commission shall notify the affected public of such exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204.

The planning commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as it deems necessary only if the planning commission finds:

a. Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;

b. The exception request is not based on conditions or circumstances that are self-created or self-

imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;

c. The exception request is the minimum necessary to afford relief;

d. The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and

e. Reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.

If the planning commission cannot make the required findings or refuses to grant the exception, the planning commission shall return the request for an exception and the water quality impact assessment to the applicant.

(2) Exceptions to other subsections. A request for an exception to provisions of this section other than subsections (d) and (f) shall be made in writing to the director of public works/county engineer with a sketch or site plan containing the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs and RMAs, and the location of the existing private water supply and existing and proposed on-site sewage facilities and primary and reserve sewage drainfields. An environmental site assessment as described in section 10-33 and a water quality impact assessment as described in section 10-39 of chapter 10 of the County Code must be submitted. The director of public works/county engineer shall forward a copy of all exception requests submitted to him to the director of planning.

The director of public works/county engineer shall evaluate requests for exceptions on a case-by-case basis. Except for exceptions to subsection (g), the director of public works/county engineer may grant the exception request provided that exceptions to the requirements are the minimum necessary to afford relief and reasonable and appropriate conditions are imposed upon the exception to achieve the purpose and intent of this section.

For requests for an exception to subsection (g), the director of public works/county engineer shall review the request for an exception and the water quality impact assessment and may grant the exception with necessary conditions and safeguards if the director of public works/county engineer finds:

a. Granting the exception will not confer upon the applicant any special privilege denied to similarly situated property owners;

b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request does not arise from conditions or circumstances either permitted or nonconforming that are related to adjacent parcels;

c. The exception request is the minimum necessary to afford relief;

d. The exception request is in harmony with the purpose and intent of the zoning ordinance and is not of substantial detriment to water quality; and

e. Reasonable and appropriate conditions which will prevent the exception request from causing a degradation of water quality are imposed.

(3) Exceptions for transitional cases. Exceptions to the requirements of this section shall be granted in the following transitional cases, if the requirements of this subsection are satisfied and the director of public works/county engineer determines there is compliance with the requirements of this section to the maximum extent practicable:

(a) Conditional subdivision approval granted to the owner or developer by the planning commission before November 15, 1991, provided application for final subdivision approval is made by November 15, 1992, and such application is complete and satisfies all requirements of the County Code in effect at the time of the application.

(b) Final subdivision approval granted to the owner or developer by the director of planning or planning commission before November 15, 1991.

(c) Approval of subdivision construction plans, utility plans, road construction plans or capital improvement construction plans of the owner or developer by the director of public utilities or the director of public works before November 15, 1991.

(d) Approval of site plans, including grading and erosion and sediment control plans, of the owner or developer by the director of public utilities, the director of public works/county engineer or the director of planning before November 15, 1991.

(e) Approval of a plan of development (POD) by the board of supervisors or the planning commission before November 15, 1991.

(f) Granting of a conditional use permit to the owner or developer by the planning commission or the board of zoning appeals before November 15, 1991.

(g) Granting of a provisional use permit to the owner or developer by the board of supervisors before November 15, 1991.

(h) Approval of proffered rezoning by the board of supervisors before November 15, 1991, where full compliance with this section would conflict with the proffered conditions accepted by the board of supervisors.

(i) Granting of a variance by the board of zoning appeals before November 15, 1991, provided application for all necessary permits is made by November 15, 1992.

(j) Approval of a septic tank permit by the county department of health before November 15, 1991.

(k) Filing on or before September 12, 1991, for any of the approvals listed in (a) through (j) above, provided that the application was complete and satisfied all requirements of the County Code in effect at the time of filing, subsequent approval is based upon the application filed and approval is obtained by March 12, 1992.

(l) Filing for a building permit prior to November 15, 1991, provided that the application contains all the information required by the County Code in effect at the time of filing and construction is commenced within 12 months of approval and is diligently pursued to completion.

(4) Uses as of November 15, 1991. Existing uses rendered nonconforming on November 15, 1991, and uses vested by law as of November 15, 1991, shall not be subject to the requirements of this section in accordance with state law. In addition, this section shall not be applied so as to constitute an unconstitutional taking of property.

(m) *Nonconforming uses and noncomplying structures in RPAs.* The director of public works/county engineer may waive or modify the requirements of this section for remodeling, additions or alterations to principal structures on legal nonconforming lots that were legally in existence in RPAs on November 15, 1991, provided that:

(1) There will be no net increase in nonpoint source pollutant loads;

(2) Any development or land disturbance of 2,500 square feet or more complies with the erosion and sediment control requirements of chapter 10 of the County Code;

(3) Additions shall be built outside RPAs where possible;

(4) This provision shall not apply to accessory structures; and

(5) Waiver requests must include a sketch or site plan with the name of the applicant, the legal description of the property, a sketch of the proposed improvement, the boundaries of the RPAs and RMAs, and the location of the existing private water supply and existing and proposed on-site sewage facilities and primary and reserve sewage drainfields. An environmental site assessment as defined in section 10-33 and a water quality impact assessment as defined in section 10-28 of chapter 10 of the County Code must be submitted.

(6) An application for the expansion of a nonconforming structure may be approved by the director of public works/county engineer provided that the following findings are made:

(a) The request for the waiver is the minimum necessary to afford relief;

(b) Granting the waiver will not confer upon the applicant any privilege that is denied to property owners in similar situations;

(c) The waiver is in harmony with the purpose and intent of this section and does not result in water quality degradation;

(d) The waiver is not based on conditions or circumstances that are self-created or self-imposed; and

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality.

(7) A nonconforming use development waiver shall become null and void 12 months from the date it is issued if substantial work has not commenced.

(8) This section shall not prohibit the reconstruction of preexisting structures within Chesapeake Bay Preservation Areas because of casualty loss.

(Code 1980, § 22-106.3; Code 1995, § 24-106.3; Ord. No. 1058, § 3, 11-12-2003)

Sec. 24-106.4. - Development in dam break inundation zone.

(a) The owner of each impounding structure in the county shall prepare a map of the dam break inundation zone for the impounding structure and submit the map to the director of planning and the Virginia Department of Conservation and Recreation.

(b) For any development containing three or more residential units or any business or industrial use other than agricultural production proposed within the boundaries of a mapped dam break inundation zone, the director of planning shall (i) review the dam break inundation zone map, (ii) notify the dam owner, and (iii) within ten days forward a request to the Virginia Department of Conservation and Recreation to make a determination of the potential impacts of the proposed development on the spillway design flood standards required of the dam. Upon receipt of the determination of the Virginia Department of Conservation and Recreation or if the county has not received comments within 45 days of the Department's receipt of the county's request, the director of planning shall complete the county's review of the development.

(c) If the Virginia Department of Conservation and Recreation determines that the proposed development is wholly or partially within a dam break inundation zone and would change the spillway design flood standards of an impounding structure, the developer must submit an engineering study meeting state standards to the Virginia Department of Conservation and Recreation prior to final approval of the proposed development. Following the completion of the engineering study, and prior to any development within the dam break inundation zone, the developer shall change the proposed development so that it does not alter the spillway design flood standards of the impounding structure or shall pay 50 percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development, together with administrative fees required by state law. The payment shall be made to the Virginia Dam Safety, Flood Prevention and Protection Assistance Fund as provided by state law.

(d) Dam break inundation zone maps are only required for dams that meet the requirements for an impounding structure. The requirements of this subsection shall not apply to any development proposed downstream of a dam for which a dam break inundation zone map is not on file with the county at the time of the official submission of a development plan to the county. However, the director of planning may map the dam break inundation zone and recover the costs of such mapping from the owner of an impounding structure for which a dam break inundation zone map is not on file with the county and a map has not been prepared by the impounding structure's owner.

(e) Following completion of the proposed development in a dam break inundation zone, the developer shall provide the dam owner and the director of planning with information necessary for the dam owner to update the dam break inundation zone map to reflect the new development.

(Ord. No. 1138, § 16(24-106.4), 11-10-2009)

ARTICLE XXIII. - ADMINISTRATION AND ENFORCEMENT

***Cross reference—** Planning commission generally, § 2-19 et seq.

Sec. 24-107. - Director of planning responsible for enforcement.

This chapter shall be enforced by the director of planning and such deputies as may be appointed by him, who shall have the full cooperation of all other county officials in the enforcement of this chapter. The building inspector, upon receipt of any application for a permit to construct, alter or use any building or premises, shall before granting such permit submit the same to the director of planning, who shall certify that the proposed construction, alteration or use of the building or premises is or is not in violation of the provisions of this chapter. All applications for building permits shall be accompanied by plans showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate and such other information with regard to the lot and the neighboring lots as may be necessary to determine and provide for the enforcement of this chapter.

(Code 1980, § 22-107; Code 1995, § 24-107)

Sec. 24-108. - Building permit required.

Any person who proposes to construct or alter any building, or make use of a lot, building or structure of any kind, shall file with the building inspector his application therefor, which application shall furnish such information to the building inspector as may be necessary to enable him to pass on such application intelligently. The building inspector shall submit such application to the director of planning, who shall certify whether the proposed use is or is not in conflict with this chapter. If such proposed use is in conflict with this chapter, the building inspector shall refuse to issue such building permit.

(Code 1980, § 22-108; Code 1995, § 24-108)

Sec. 24-109. - Duties of director, board of zoning appeals and board of supervisors relative to chapter.

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the director of planning; that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the director of planning; and that from the decision of the board of zoning appeals recourse to the courts shall be had as provided by law. It is further the intention of this chapter that the duties of the board of supervisors of the county in connection with this chapter shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as hereinbefore set out in this section; and that the duties of the board of supervisors in connection with this chapter shall be only the duty of considering and passing upon any proposed amendment or repeal of this chapter, as provided by law, and as hereinbefore mentioned in this chapter.

(Code 1980, § 22-109; Code 1995, § 24-109)

Sec. 24-110. - Violations and penalties.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a

misdemeanor and upon conviction thereof shall be fined not more than $1,000.00. If the violation is uncorrected at the time of 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 more than $1,000.00; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,500.00; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.00.

As provided in Code of Virginia, § 15.2-2286(A)(4), a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or similar shortterm, recurring violations may be appealed within ten days. If no appeal has been filed within ten days, the notice shall be deemed final and unappealable.

(Code 1980, § 22-110; Code 1995, § 24-110; Ord. No. 954, § 1, 7-23-1997; Ord. No. 1005, § 1, 10-10-2000)

Sec. 24-111. - Further powers of director.

In addition to the requirements and penalties specified above, the director of planning may, and it shall be his duty to, invoke any other lawful procedure available to the county, such as injunction, abatement or otherwise, as may be necessary to prevent, restrain, correct or abate any violation of this chapter.

(Code 1980, § 22-111; Code 1995, § 24-111)

Sec. 24-112. - Right of entry for inspection.

The director of planning or any authorized deputies thereof, upon proper identification, shall have the right to enter upon any land or into any building, at any reasonable hour, for the purpose of making an inspection or acquiring information to determine whether or not the property and the use thereof conforms to the requirements of this chapter.

(Code 1980, § 22-112; Code 1995, § 24-112)

ARTICLE XXIV. - BOARD OF ZONING APPEALS

Sec. 24-113. - Composition.

There shall be a board of zoning appeals (hereinafter called the board) which shall consist of five members, each to be appointed by the circuit court of the county for terms of five years. Vacancies shall be filled by the circuit court for the unexpired portion of the term. Each member shall receive such compensation as the board of supervisors may authorize.

(Code 1980, § 22-113; Code 1995, § 24-113)

Sec. 24-114. - Organization.

The board shall elect one of its members as chair and one as vice chair. The chair, or in the chair's absence the vice chair, shall preside at all meetings of the board. The board shall appoint a secretary whose duty it shall be to keep the minutes and other records of the actions and deliberations of the board and perform such other ministerial duties as the board shall direct. The secretary shall be a salaried county employee and shall perform the duties of secretary of the board in addition to his other regular duties.

(Code 1980, § 22-114; Code 1995, § 24-114)

Sec. 24-115. - Procedure of board.

The board may make, alter and rescind rules and forms for its procedures consistent with this chapter and the general laws of the Commonwealth. The chair, or in the chair's absence the vice chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public unless a closed meeting is authorized by the Virginia Freedom of Information Act. The board shall keep minutes of its proceedings and other official actions showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, which shall be filed in the office of the board and shall be public records.

(Code 1980, § 22-115; Code 1995, § 24-115)

Sec. 24-116. - Powers.

The board shall have the following powers and duties:

(a) ***Appeal from determination of administrative officer.*** To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of this chapter. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision.

(b) ***Appeal from decision of director of planning.*** To hear and decide appeals from a decision of the director of planning.

(c) ***Variance.*** To grant upon appeal or original application in specific cases a variance, provided that the spirit of this chapter shall be observed and substantial justice done, as follows: provided that the burden of proof shall be on the applicant to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in section 24-3 and the criteria set forth in this section.

A variance shall be granted if the evidence shows that (1) the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or (2) the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance or (3) the granting of the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with disability, and all of the following criteria are met:

(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
(ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
(iii) the condition or situation of the property concerned 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 the ordinance;

(iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(v) the relief or remedy sought by the variance application is not available through a conditional use permit at the time of the filing of the variance application.

In granting a variance the board may impose such conditions 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 ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

The board may provide that any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability shall expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990, as applicable.

(d) ***Conditional use permit.*** To hear and decide applications for conditional use permits authorized by this chapter, including those uses listed below. The board may impose such conditions relating to the use for which a conditional use permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and it may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Any conditional use permit may be authorized and issued for either a limited or an indefinite period of time. Construction or operation shall be commenced within two years of the date of issuance of a conditional use permit or it shall become void. In addition to permitting the conditional uses authorized elsewhere in this chapter, the board shall have the power to permit the following:

(1) Temporary uses and structures not otherwise permitted in the district in which located provided that such uses and structures do not involve the erection of substantial buildings. The permit shall be limited to one 24-month period, and it shall not be extended or renewed.

(2) Buildings and uses owned and operated by a public agency or public utility company except communication towers as regulated by section 24-95(a)(3).

(3) Sanitary landfills, refuse disposal areas, and sewage treatment plants.

(e) ***Revocation of conditional use permit.*** To revoke a conditional use permit previously granted by the board if the board determines that there has not been compliance with the terms and conditions of the permit.

(f) ***Interpretation of district map.*** To hear and decide applications for interpretation of the district map to carry out the intent and purpose of this chapter where there is any uncertainty as to the location of a district boundary. The board shall not have the power to substantially change the location of district boundaries established by ordinance.

(Code 1980, § 22-116; Code 1995, § 24-116; Ord. No. 1138, § 16, 11-10-2009)

State law reference—Powers of board of appeals, Code of Virginia, § 15.2-2309.

Sec. 24-117. - Procedure on applications and appeals.

(a) ***Applications.*** Any application to the board for a variance or conditional use permit may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the director of planning in accordance with rules adopted by the board. The director of planning shall transmit the application to the secretary of the board who shall place the matter on the board's agenda. The secretary of the board shall also transmit a copy of the application to the planning commission, which may send a recommendation to the board or appear as a party at the hearing. The board shall not consider substantially the same application within one year.

(b) ***Appeals.*** An appeal to the board may be taken by any person aggrieved or by any county officer, department, board or bureau affected by any decision of the director of planning or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this chapter. Such appeal shall be taken within 30 days after the entry of the decision appealed from by filing with the director of planning, and with the board, a notice of appeal specifying the grounds thereof. The director of planning shall forthwith transmit to the secretary of the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in the furtherance of the action appealed from, unless the director of planning certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. If there is such a certification, proceedings shall not be stayed except by a restraining order granted by the board or by a court of record on application and on notice to the director of planning and for good cause shown.

(c) ***Procedure.*** The board shall not exercise any of its powers enumerated in section 24-116 except after notice and hearing as required by Code of Virginia, §15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall fix a reasonable time for the hearing of the application or appeal and make a decision within 90 days of the filing of the application or appeal. At the hearing, any party may appear in person or by agent or by attorney. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of an 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 the chapter.

(Code 1980, § 22-117; Code 1995, § 24-117)

Sec. 24-118. - Appeals from board of zoning appeals.

An appeal from a decision of the board may be taken as provided by law.

(Code 1980, § 22-118; Code 1995, § 24-118)

ARTICLE XXV. - DISCLOSURE OF OWNERSHIP OR PARTIES-IN-INTEREST

Sec. 24-119. - Generally.

The board of supervisors, the planning commission and the board of zoning appeals may require from an applicant a complete disclosure of ownership or parties in interest of real estate affected, for which a plan of development, a use permit, a zoning amendment or a variance from the regulations of the chapter is requested; provided, that this disclosure requirement shall not be construed to require the disclosure of the names of stockholders, officers and directors of a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.

(Code 1980, § 22-119; Code 1995, § 24-119)

ARTICLE XXVI. - DISTRICT CHANGES AND OTHER AMENDMENTS

Sec. 24-120. - Powers of board of supervisors; procedure generally.

(a) The board of supervisors, from time to time, may by ordinance amend, supplement, change or repeal any of the regulations herein established, district boundaries or classifications of properties as shown on the zoning maps. Any such amendment may be initiated by resolution of the board of supervisors, or by motion of the planning commission, or by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment.

(b) All motions, resolutions or petitions for amendment to the zoning chapter and/or maps shall be acted upon and a decision made within such reasonable time as may be necessary, which shall not exceed 12 months unless in the case of a proposed zoning map amendment the applicant requests or consents to action beyond such period or unless the applicant withdraws his petition for amendment to the zoning map in accordance with this section.

(c) No such proposed change or amendment shall be enacted by the board of supervisors until it has been referred to the planning commission for its recommendation. The planning commission shall not recommend, nor the board of supervisors adopt, any proposed change or amendment until each has held a public hearing pursuant to public notice as required by Code of Virginia, § 15.2-2204, as amended. Failure of the commission to report 100 days after the first meeting of the commission after the proposed change or amendment has been referred to the commission shall be deemed approval, unless the proposed change or amendment has been withdrawn by the applicant prior to the expiration of such time period. In the event of and upon such withdrawal, processing of the proposed change or amendment shall cease without further action as otherwise would be required by this section. The applicant's request for withdrawal shall be in writing, shall be effective upon receipt by the planning office, and shall be included in the case file.

(Code 1980, § 22-120; Code 1995, § 24-120; Ord. No. 1004, § 1, 9-26-2000)

Sec. 24-121. - Conditional zoning or zone approval.

(a) *Purpose of conditional zoning.* The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the existing zoning chapter district regulations are not adequate. In such instances, reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned), when considered with existing zoning chapter district regulations, should cause the requested rezoning to be compatible with existing zoning and uses in the area.

(b) *Approval of conditions as part of a rezoning amendment to zoning map.* The owner of the property which is the subject of a rezoning request shall, if he elects to obtain conditional zoning, voluntarily proffer in writing such conditions as he deems appropriate at the time of filing an application to rezone the property or by such later date as the commission shall establish in its rules and regulations, but in any event before the commission makes its recommendation to the board of supervisors.

In the event that additions thereto or modifications thereof are desired by the owner of the property which is the subject of the rezoning request, the same shall be made in writing not less than 21 days prior to the time at which the commission makes recommendation to the board of supervisors unless the commission:

(1) Specifically waives such time period; or

(2) Specifically establishes such greater or lesser time period as it deems reasonable.

The board of supervisors may consider additional proffers, deletions and/or amendments to all such conditions, provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the rezoning request prior to the public hearing at which the board of supervisors renders its decision thereon.

(c) *Permitted conditions as part of an amendment to zoning map.*

(1) The board of supervisors may approve reasonable conditions as part of an amendment to the zoning map; provided, that the following criteria are met:

a. The rezoning itself gives rise to the need for the conditions;

b. Such conditions have a reasonable relation to the rezoning;

c. All such conditions are in conformity with the county's comprehensive plan;

d. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions must provide for the disposition of such property or cash in the event the property or cash is not used for the purpose for which proffered; and

e. The provisions of this chapter shall not be used for the purpose of discrimination in housing.

(2) In the event 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.

(d) *Records of conditional zoning.*

(1) The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning on the map.

(2) The director of planning shall maintain a conditional zoning index, which index shall be available in the planning office for public inspection during regular office hours. The index shall provide ready access to the chapter creating such conditions in accordance with the article and shall clearly list all conditions applicable to each.

(e) *Enforcement and guarantees.* In order to ensure the intent and purpose of conditional zoning approved in accordance with this article, the director of planning or his agents shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to a rezoning or amendment or a zoning map including:

(1) Ordering, in writing, compliance with such conditions.

(2) Bringing of appropriate legal action or proceeding to ensure compliance.

(3) Requiring a guarantee or contract or both for construction of physical improvements required by condition(s).

(4) Denial of zoning certification with regard to the issuance of any required use, occupancy or building permit.

(f) *Review of director of planning's decision.* Any person who is aggrieved by the director of planning's decision or actions under subsection (e) of this section regarding enforcement or guarantees as provided for in subsection (e) of this section may petition the board of supervisors for review of such decision(s). Such petition shall be filed as follows:

(1) The petition shall be filed with the director of planning and the clerk of the board of supervisors within 30 days from the date of decision for which review is sought and at least 30 days prior to a regularly scheduled meeting of the board of supervisors designated for hearing of zoning matters.

(2) The petition shall specify the grounds upon which the petitioner is aggrieved.

The director of planning shall forward the petition and the justification of any such decision(s) to the board of supervisors and to the aggrieved person no less than ten days prior to the next regularly scheduled meeting designated for hearing of zoning matters. Written notice of such meeting shall be given to all

parties as required by Code of Virginia, § 15.2-2204, as amended.

(g) *Amendments and variations of conditions.* All amendments and/or variations of adopted conditions shall be made in accordance with provisions of section 24-120 and other applicable law.

(h) *Existing conditional zoning.* Any proffers having been approved with a conditional zoning request legally existing at the effective date of any amendment to chapter 24 shall be considered to be in full force and effect and binding upon the parcel of land conditionally zoned; provided, however, that such proffers shall not be construed to permit a more intense use of the property than is otherwise permitted by the general regulations applicable to the district.

(i) *Office district amendment; provision for previously proffered conditions and restrictive covenants.* The provisions of the comprehensive office district ordinance amendment (hereinafter referred to as the amendment) shall become effective as of the date of its adoption by the board of supervisors, except that, with respect to all parcels zoned R-5 conditional and R-6 conditional as of the effective date of the amendment and all parcels presently zoned R-5 or R-6 which are subject to restrictive covenants recorded in the clerk's office prior to December 17, 1981, which covenants contain provisions which would void the covenants in the event of a change in uses permitted in the applicable provisions of the zoning chapter, such parcels shall continue to be governed by the applicable provisions of the R-5 and R-6 general residence districts and the provisions of paragraph (j) until such time subsequent to the adoption of the amendment as the board of supervisors adopts ordinances rezoning the parcels in question; provided, however, that any person asserting such right to have his property governed by the provisions of the R-5 and R-6 general residence districts and the provisions of paragraph (j) shall first submit evidence in form and in substance satisfactory to the director of planning to establish such person's rights to rely thereon.

Notwithstanding the foregoing provisions, any owner of property zoned R-5 conditional or R-6 conditional prior to the effective date of the amendment may apply or consent to have said property governed under the office district provisions and the same conditions approved by the board of supervisors as a part of the R-5 conditional or R-6 conditional zoning; provided, that the property owner voluntarily re-proffers, in writing, said conditions to the board of supervisors prior to the recommendations of the planning commission on the amendment.

(j) *Exceptions to paragraph (i).* Where a parcel(s) of land meets the requirements of paragraph (i) above, the following uses may be permitted unless otherwise restricted by the documents filed:

(1) *Parcels zoned R-5 or R-5C.*

a. *Principal uses permitted.*

1. Any principal uses permitted and as regulated in section 24-28 and section 24-30.1.

2. Motels, when located on a U.S.-numbered highway and not including any B or M district use, except as permitted in this subsection. In a motel having 100 or more guestrooms or suites, a dining room or restaurant and convention facilities may be included as an incidental accessory use, provided the restaurant is made an integral part of the main building.

b. *Conditional uses permitted by special exception.*

1. Any conditional uses permitted and as regulated in section 24-29.

2. Clubs, fraternities, lodges and similar meeting places of nonprofit organizations, except those conducted as a gainful business, provided such buildings are located at least 30 feet from any other lots in any R district.

3. Office buildings for administrative offices or the offices of professional persons such as doctors, dentists, lawyers, engineers or architects, and offices devoted exclusively to business and management; provided, that the handling of merchandise on the premises shall not be permitted.

4. General hospitals, sanitoriums, rest homes and charitable institutions for human care;

provided, that any such use shall have a minimum lot area of five acres.

c. *Accessory uses permitted.*

1. Any accessory uses permitted in section 24-30.

2. Signs as regulated in section 24-104.1(j).

(2) *Parcels zoned R-6 or R-6C.*

a. *Principal uses permitted.*

1. Any principal use permitted and as regulated in sections 24-35, subsection (j)(1)a. and section 24-37.1.

2. Business or professional office buildings.

3. Clubs, fraternities, lodges and similar meeting places.

4. Banks and savings and loan institutions.

5. General hospitals, sanitoriums, rest homes and charitable institutions for human care; provided, that any such use shall have a minimum of five acres.

b. *Conditional uses permitted by special exception.*

1. Barbershop, beauty shop, coffeeshop, cafeteria, health club, jewelry store or watch repair, lunchroom or restaurant, ethical pharmacy, newspaper and magazine stand, optometrist, souvenir and tobacco shop or valet shop in an office building, provided there shall be no entrances direct from the street or parking lot to these businesses, no signs or other evidence indicating the existence of such businesses visible from the outside of the building, and provided that such uses are secondary to the primary use of the building for professional and general office purposes.

2. Radio and television broadcasting stations.

3. Funeral chapels and related facilities, including one cremation unit to serve funerals conducted by the operator of the funeral chapel and to be used for the cremation of dead human bodies. The cremation unit shall be equipped with safeguards to eliminate all smoke, odor and other emissions.

c. *Accessory uses permitted.*

1. All accessory uses permitted in section 24-37.

2. Signs as regulated in section 24-104.1(j).

(3) *Table of regulations.*

	Maximum Height		Minimum Lot Area		Minimum		Minimum Side Yard		Minimum
District and Use	Stories	Feet	Total (sq. ft.)	Per Family (sq. ft.)	Lot Width (feet)	Front Yard Depth (ft.)	Least Yard (feet)	Sum of Yards (ft.)	Rear Yard (ft.)
R-5 or R-5C districts									

Bed and breakfast homes									
1 or 1½ stories	1½	25	7,500	7,500	60	45	8	20	35
2 or 2½ stories	2½	35	7,500	7,500	60	45	10	24	40
Motels	3	45	4 acres	1,500 per bedroom	200	50	40	80	50
Hospitals and sanitoriums									
1 or 2½ stories		35	5 acres		200	50	30	60	50
3 to 8 stories (a)			5 acres		200	75	75	150	75
Other permitted uses									
1 to 3 stories (a)			16,000		100	35(c)	20(c)	40(c)	35(c)
R-6 or R-6C districts									
Bed and breakfast homes									
1 or 1½ stories	1½	25	7,500	7,500	60	45	8	20	35
2 or 2½ stories	2½	35	7,500	7,500	60	45	10	24	40
Hotel, motel, motor lodge, motor hotel	Same as R-5 or R-5C districts above								
Hospital and sanitoriums									
1 to 8 stories			5 acres		200	50	30	60	50
Funeral chapels									
1 to 3 stories			5 acres		200	50	30(b)	60(b)	50

Other permitted uses									
1 to 8 stories			16,000		100(c)	35(c)	20(c)	40(c)	30(c)
(a) Buildings up to eight stories in height may be permitted by special exception.									
(b) Parking in minimum side yards is prohibited except adjoining B or M districts.									
(c) Except adjoining any R district, in which case the setback shall be increased by one foot for every two the building height exceeds 45 feet.									

(4) *Parking.*

a. *Off-street parking requirements.*

1. Parking as permitted and regulated in section 24-96, except subsections (b)(12) and (c).

2. Office building: six for first 1,000 square feet plus one for each additional 300 square feet of floor area.

3. Each off-street parking space shall be at least 162 square feet in area, exclusive of access drives and aisles, and shall be of such shape and in such location and so improved as to be effectively useable. In any R district, except for single-family dwellings, such location shall be only in a rear yard or in a private garage located in accordance with the regulations governing garages; except that off-street parking in the side yard shall be permitted and the minimum requirements in section 24-94 are observed on the street side of a corner lot. In any B or M district, parking may be located anywhere on the premises when such parking area is delineated by a curb or bumper, and when curb and gutter, and storm sewer, all to county specifications, are provided. In any R-5 or R-6 district, such location may be anywhere except in the required minimum side yard on the street side of a corner lot; provided, that any location in the front yard shall be to the rear or inside of a landscaped area (shrubbery, etc., to be approved by the planning commission) not less than 15 feet in depth.

(Code 1980, § 22-121; Code 1995, § 24-121; Ord. No. 957, § 9, 8-13-1997)

State law reference—Conditional zoning, policy and purpose, Code of Virginia, § 15.2-2296.

Sec. 24-122. - Time limit on repeat petitions.

After the board of supervisors has taken official action either granting or denying a petition for any change in zoning or any change of zoning conditions, no other petitions for substantially the same change(s) shall again be considered in less than 12 months from the date of such official action. No petition for substantially the same change(s) and which is withdrawn pursuant to section 24-120 shall again be considered in less than 12 months from the date of official withdrawal.

(Code 1980, § 22-122; Code 1995, § 24-122)

Sec. 24-122.1. - Provisional uses; general guides and standards.

(a) *Purpose.* The provisional use procedure provides for certain uses which cannot be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations. These uses either have unusual characteristics or have characteristics

different from those of their immediate surroundings or are generally essential and desirable for the general convenience and welfare but because of the nature of the use, the importance of relationship to the land use plan and possible impact, not only on neighboring properties but on a large section of the county, require the exercise of good planning judgment on location and site plan.

(b) *General guides and standards.* A provisional use should be approved only if it is found that: the location is appropriate and not in conflict with the intent of the land use plan; the public health, safety, morals and general welfare will not be adversely affected; adequate utilities and off-street parking facilities will be provided; necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values; and the requirements of this section are satisfied. In approving a provisional use permit, the board of supervisors may impose reasonable conditions to accomplish the objectives of this section with respect to use, screening, lighting, hours of operation, noise control, maintenance, operation or other requirements. The procedures in section 24-120(c) of this chapter shall be used for consideration of the provisional use permit.

A provisional use permit may be approved for either a limited or indefinite period of time. A provisional use permit shall be subject to revocation at any time by the board of supervisors for failure of the permit holder to comply with the applicable stated conditions or if the use granted is found to have a deleterious effect on the surrounding area. Prior to revocation of the permit, the board of supervisors shall hold a public hearing after written notice to the permit holder and notice in accordance with Code of Virginia, § 15.2-2204, as amended. The board may refer the matter to the planning commission for a recommendation before the board makes its decision.

The director of planning may consider a request for transfer of a provisional use permit to a new owner/operator pursuant to the following conditions:

(1) The request is made by the new owner/operator in writing providing the name and mailing address of the owner/operator, agents, trade name of the business, business location and mailing address.

(2) The use or service is the same or substantially the same use or service authorized by the board of supervisors.

(3) The owner/operator has acknowledged the conditions of the original permit and has agreed in writing to comply with all conditions.

(4) The director of planning has consulted with appropriate governmental agencies, officials, boards and commissions, if deemed necessary in the opinion of the director, to determine if circumstances substantially affecting the public health, safety or welfare have changed or if adverse affects on the surrounding neighborhood are anticipated.

Unless otherwise specified as a condition of approval, the height limits, minimum yard spaces, lot area and sign requirements shall be the same as for other uses in the district in which the proposed provisional use is located.

(c) *Existing provisional uses.* Any use listed as requiring approval as a provisional use and legally existing on April 14, 1982, shall be considered to be in conformance with the requirements of this section; provided, that any future change or addition to the use shall require provisional use approval.

(Code 1980, § 22-122.1; Code 1995, § 24-122.1)