

## Chapter 15

### ZONING\*

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\***Editor's note**—Ord. No. 3398, adopted on November 6, 2019, and effective on January 1, 2020, repealed the former zoning ordinance housed in Appendix A, and adopted a new zoning ordinance as set out herein. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity are indicated by brackets.

**Cross references**—Animals, Ch. 3; licenses and business regulations, Ch. 8; planning and development, Ch. 11; structures and addressing, Ch. 12; subdivisions, App. B; storage of solid waste, § 7-75; distance of automobile graveyard or junkyard from highways, § 8-299; maximum residential densities under subdivision regulations, App. B, Art. 5, § 7; lots in major subdivisions, App. B, Art. 7, § 4; yards in major subdivisions, App. B, Art. 7, § 5.

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## ARTICLE 1. GENERAL PROVISIONS

### Sec. 15-1. Title.

This chapter shall be known as the "Goochland County Zoning Ordinance" and may be referred to as "this chapter," "this ordinance," or "the zoning ordinance."

### Sec. 15-2. Authority.

This ordinance establishes the county's zoning districts and regulations as authorized by state law and is adopted in accordance with the enabling authority in Virginia Code §§ 15.2-2200 and 15.2-2280.

Whenever any provision of this chapter refers to or cites a section of the Virginia Code and that section is later amended or superseded, this chapter shall be deemed amended to refer to the amended section or the section that corresponds to the superseded section.

### Sec. 15-3. Purpose.

The zoning regulations and districts established in this chapter are consistent with the comprehensive plan, and have been created to promote, in accordance with present and future needs, the health, safety, order, convenience, prosperity, and general welfare of the residents of Goochland County, Virginia. This ordinance provides for:

- A. efficient process of development;
- B. preservation of agricultural lands;
- C. appropriate use and occupancy of buildings for protection against land overcrowding and undue population density in relation to community facilities;
- D. creation of a convenient, attractive and harmonious community;
- E. economic development activities that provide desirable employment and enlarge the tax base;
- F. harmonious civic design;
- G. protection against destruction of or encroachment upon historic areas;
- H. reduction or prevention of congestion in the public streets;
- I. facilitation of adequate police and fire protection, transportation, water, sewerage, flood protection, schools, parks, recreational facilities, and other public needs; and
- J. implementation of the comprehensive plan and any special area plans adopted by the county.

### Sec. 15-4. Interpretation.

A. This ordinance is an inclusive ordinance. Only those uses, structures, or features permitted in specific district regulations are allowed.

B. If a provision of this ordinance is inconsistent with another provision of this ordinance, or with a provision found in other chapters of the code, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

C. The word "and" indicates that all connected provisions or conditions are applicable. The word "or" indicates that one or more of the connected provisions or conditions are applicable.

D. Undefined words and terms will be interpreted in accordance with their normal dictionary meaning and customary usage.

**Sec. 15-5. Applicability.**

This ordinance applies to all property located in the county.

A. The following provisions apply:

- (1) The regulations for each district are minimum regulations and apply uniformly to each class or kind of structure or land.
- (2) Unless exempted, no land may be developed unless in compliance with this chapter and all other applicable county, state, and federal laws and regulations.
- (3) Land, buildings, and structures may not be occupied unless a certificate of occupancy is approved in accordance with the building code.
- (4) No building or structure, or part thereof, shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with its district and any other regulations. All buildings and structures are required to obtain zoning compliance approval to ensure zoning compliance.
- (5) No part of a yard, open space, off-street parking, or loading space required in connection with any building may be included as space required for any other building unless specifically permitted by this ordinance.
- (6) No previously existing yard or lot may be reduced in dimension or area below the minimum requirements. Yards or lots created after the effective date of this chapter must meet at least the minimum requirements.

B. All territory which may hereafter be added to the county will automatically be zoned the same as the lowest-intensity contiguous property inside the county until otherwise classified.

**Sec. 15-6. Severability.**

If any section or provision of this chapter is declared by the courts to be unconstitutional or invalid, it does not affect the validity of the ordinance as a whole, or any part, other than the part declared unconstitutional or invalid. However, this severability clause does not apply to proffered or imposed conditions applicable to a particular property.

**Sec. 15-7. Districts.**

For purposes of this chapter, the county is divided into 17 districts designated as follows:

1	Agricultural, General	A-1
2	Agricultural, Limited	A-2
3	Agricultural, Intensive	A-3
4	Residential, Rural	R-R
5	Residential, Preservation	R-P
6	Residential, Limited	R-1
7	Residential, General	R-3
8	Residential, Neighborhood	R-N
9	Residential, Office	R-O
10	Residential Planned Unit Development	RPUD
11	Residential, Manufactured Home Park	R-MH
12	Mixed Planned Unit Development	MPUD
13	Business, Neighborhood	B-N
14	Business, General	B-1

15	Business, Interchange Commercial	B-3
16	Industrial, Limited	M-1
17	Industrial, General	M-2

**Sec. 15-8. Official zoning map.**

The official zoning map depicts the location and boundaries of the official zoning districts. The official zoning map is kept in the community development department and is available for public inspection during normal business hours. It may be kept in either hardcopy or digital form. The community development department maintains digital and/or printed copies of superseded versions of the official zoning maps for historical reference.

**Sec. 15-9. District boundaries.**

Where uncertainty exists as to the boundaries of any district shown on the official zoning map, the following rules apply:

- A. Boundaries indicated as following shorelines will be construed to follow those shorelines and, in the event of a change in the shoreline, will be construed as moving with the actual shoreline.
- B. Distances not specifically indicated on the official zoning map will be determined by the scale of the map.
- C. Where physical or cultural features existing on the ground differ from those shown on the official zoning map, or in other circumstances where the boundaries are unclear or uncertain, the board of zoning appeals is authorized to interpret the district boundaries.

**Sec. 15-10. Effective date.**

This chapter is effective as of January 1, 2020

**Secs. 15-11—15-49. Reserved.**



**ARTICLE 2. ADMINISTRATION, ENFORCEMENT, PERMITS, AND APPLICATIONS****Sec. 15-50. Administration.**

The zoning administrator is authorized to administer and enforce this ordinance. The zoning administrator has all the authority necessary to act on behalf of the county, including the authority (i) to order in writing the remedying of any condition that violates the zoning ordinance; (ii) to ensure compliance with the zoning ordinance, seek inspection warrants, or bring legal actions, including injunction, abatement, or other appropriate action; and (iii) in specific cases, to make findings of fact and, with the concurrence of the county attorney, conclusions of law regarding determinations of rights accruing under Virginia Code §§ 15.2-2307 or 15.2-2311(C). The zoning administrator may be assisted by other persons as necessary. The zoning administrator may require that illegal uses be discontinued, illegal structures be removed, illegal work be stopped, or any other action authorized by state law to ensure compliance with or to prevent violation of this ordinance.

The planning commission shall advertise and hold a public hearing and make a recommendation on each rezoning, conditional use permit, comprehensive plan amendment, and zoning ordinance amendment.

The board of supervisors shall advertise and hold a public hearing on each rezoning, conditional use permit, comprehensive plan amendment, and zoning ordinance amendment.

**Sec. 15-51. Enforcement.**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may make a complaint to the zoning administrator, identifying the property and the condition believed to constitute the violation. The zoning administrator will make a record of complaints received, promptly investigate, and take action, if appropriate and warranted. When a violation of this ordinance is found, written notice of the violation will be sent to the property owner(s). The notice of violation will state the violation, the ordinance section being violated, the actions needed to correct the violation, that the decision will be final and unappealable if not appealed in 30 days, the appeal fee, and the location where additional information can be found about filing an appeal. Generally, notices of violation will provide for a 30-day appeal period, but the appeal period may be reduced to 10 days for temporary or seasonal commercial uses, commercial truck parking in residential areas, or other short-term recurring violations.

**Sec. 15-52. Penalties for violations.**

Violations of this ordinance include failure to comply with its provisions or with imposed or proffered conditions. Violations are misdemeanors punishable by a fine of not more than \$1,000. If a violation is uncorrected at time of conviction, the court shall order the violator to abate or remedy the violation within a specified time period. Failure to remove or abate a violation within the specified time period constitutes a separate misdemeanor offense punishable by a fine of not more than \$1,000. Failure to correct the violation during the succeeding 10 days is punishable by a fine of up to \$1,500, and failure to correct during the succeeding 10 days is punishable by a fine of not more than \$2,000.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be found guilty of a separate offense and be subject to these penalties.

This section does not prevent the zoning administrator from taking other lawful action as necessary to prevent or remedy any violation.

**Sec. 15-53. Building permit required.**

- A. Building permits are required as dictated by the Virginia Uniform Statewide Building Code.
- B. The submittal of building permit applications, construction drawings, site plans, engineering details and other supporting documentation must be in accordance with the Virginia Uniform Statewide Building Code.
- C. Time adjustments, limitations, and expiration of building permits will generally be in accordance with the Virginia Uniform Statewide Building Code, unless extended by staff.
- D. Building permits issued based on plans and specifications authorize use, arrangement, and construction in compliance with those plans and specifications only, and no other use, arrangement, or construction.
- E. No building permit for erection, alteration, moving, or repair of any building will be issued until it has been reviewed and approved by the zoning administrator as being in compliance with this ordinance.

**Sec. 15-54. Zoning compliance certificate.**

Prior to use or occupancy, the zoning administrator must issue a zoning compliance certificate confirming that the proposed use of a structure or premises conforms with this ordinance. A zoning compliance certificate is required when any use or structure, including accessory structures and farm use structures, will be created, erected, changed, converted, or wholly or partly altered or enlarged. It is unlawful to use, occupy, or allow the use or occupancy of any building, structure, or premises, or part thereof, without a zoning compliance certificate.

Zoning compliance certificates issued based on plans and applications authorize only use, arrangement, and construction in compliance with those plans and applications, and no other use, arrangement, or construction.

The zoning administrator will maintain a record of all zoning compliance certificates.

**Sec. 15-55. Application fees.**

- A. Any application fee, or other fee, charge, or expense is specified in the fee schedule adopted as an appendix to this code.
- B. No application or other filing shall be considered complete until any applicable fee, charge, or expense has been paid in full.

**Sec. 15-56. Pre-applications and applications.**

All applicants for a rezoning, proffer condition amendment, conditional use permit, comprehensive plan amendment, or zoning ordinance amendment must complete the following pre-application process prior to filing a completed application:

- A. Pre-application submittal
  - (1) The applicant must provide all of the information on the pre-application checklist in sufficient detail to allow evaluation by the community development department. There are no fees associated with the pre-application.
  - (2) The completed pre-application is a public document; staff advises the board of supervisors and planning commission of all submitted pre-applications.
  - (3) A pre-application meeting must be held with designated staff.

B. Community meeting

- (1) Applicant must hold a community meeting at a time and place suitable for staff and expected attendees. Applicant must obtain approval of a date, time, and location from staff prior to scheduling the meeting.
- (2) Applicant must provide written notice, at least two weeks prior to the meeting, to adjacent property owners, the planning commission, and the board of supervisors. Notices must include the date, time, and location of the meeting and provide a detailed explanation of the pre-application.
- (3) At the meeting, applicant must present the pre-application in detail, including conceptual plans. The meeting must allow for participation by and communication from attendees.
- (4) Applicant must submit to staff a list of all meeting attendees, and a meeting summary, including all topics discussed and any issues or concerns raised.
- (5) In unusual circumstances, minor modifications to this schedule or process may be allowed by the community development director.

C. Applications

- (1) Applications may be filed by
  - a. property owners or their agents;
  - b. contract purchasers or tenants with the owner's consent;
  - c. the board of supervisors, by approval of an authorizing resolution; or
  - d. the planning commission, by approval of an authorized resolutions.
- (2) Following completion of the pre-application process, if required, including the community meeting, the applicant may file its application.
- (3) To be considered complete, an application must include all requested information, all items on the pre-application checklist, a completed and executed real property disclosure affidavit, and the required fees pursuant to the fee schedule adopted as an appendix to this code.
- (4) Complete applications will be scheduled for a public hearing before the planning commission, which will make a recommendation.
- (5) The application will then be scheduled for a public hearing before the board of supervisors for decision.

**Sec. 15-57. Real property disclosure affidavit requirement.**

A. *Disclosure.* Applicants are required to provide a sworn affidavit disclosing the names and addresses of all natural or artificial persons owning any legal or equitable interest in the property which is the subject of the application, except that the names and addresses of governmental entities and public service companies owning recorded easements over the property do not need to be disclosed. For ownership by a corporation, limited liability company, or other business formation, the names of stockholders, officers, managing partners, general partners and members with an ownership interest of 10% or more in the entity must be provided, except for corporations with more than 100 shareholders whose stock is traded on a national or local stock exchange. For condominiums these requirements apply only to the title owners, contract purchasers, or lessees owning 10% or more of the units in the condominium.

B. *Continuing obligation.* While an application is pending, the applicant has a continuing obligation to revise and update the disclosure to reflect any changes.

C. *Waiver.* An application initiated by the board of supervisors or planning commission may be filed without providing these disclosures, if the board or commission finds it is appropriate to waive the disclosure requirement.

**Sec. 15-58. Amendment procedures; zoning text and map amendments.**

A. The regulations, restrictions and boundaries established in this ordinance may from time to time be amended, supplemented, changed, modified or repealed as provided by law.

B. Notice must be given of the time and place of any required public hearing by publication in a newspaper having general circulation in the county, once a week for two (2) successive weeks before the hearing in accordance with state law.

C. This ordinance may not be amended unless the board of supervisors has referred the proposed amendment to the planning commission for its recommendation, but the board of supervisors hereby refers to the planning commission, without further action, any application deemed complete by the community development department. If the planning commission does not make a recommendation by 70 days from its first meeting after the referral, the application will be deemed approved, unless the applicant has withdrawn the proposed amendment. Upon withdrawal, processing of a proposed amendment will cease. Any deferral time period sought by an applicant, if granted, does not count towards the time requirements for acting on applications.  
(Ord. No. 5861, § 1, 11-1-23)

**Sec. 15-59. Proffered conditions.**

A. *Purpose.* Accepting rezoning applications with proffered conditions called "conditional zoning" under state law provides a more flexible and adaptable method for permitting reasonable and orderly land development when specific circumstances cause the existing zoning ordinance district regulations to be inadequate. In such instances, reasonable conditions proffered by the owner for the protection of the community and which are not generally applicable to other land similarly zoned are permitted.

B. *Authority.* The county accepts rezoning applications with proffered conditions pursuant to Virginia Code § 15.2-2303.

C. *Acceptance and approval of proffered conditions.* The owner may offer, and the board of supervisors may accept, reasonable and appropriate proffered conditions which are in addition to, or more restrictive than, the applicable zoning ordinance regulations. Proffered conditions must be in writing and submitted prior to the board of supervisor's public hearing on the application, but amended proffers may be accepted by the board of supervisors once the public hearing has begun if the amended proffers do not materially affect the overall proposal.

**Sec. 15-60. Conditional use permits.**

A. *Purpose.* The zoning ordinance divides the county into districts and identifies, within each district, substantially uniform uses of land and buildings, and the bulk and location of buildings and structures in relation to the land. However, there are certain uses which, because of their unique characteristics, cannot be properly permitted in any particular district, without consideration of the use's specific impact on neighboring land, and of the public need for the use in the particular location. For these uses, a conditional use permit is required. "Conditional use" hereunder is synonymous with the terms "special exception," and "use by special exception" used in state law.

B. *Standards.* The following standards shall be used as guidelines by the planning commission and board of supervisors in acting upon conditional use permit applications:

- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;



- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) The exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district so as to cause a substantial depreciation in the property values within the neighborhood;
- (5) Adequate utilities, access roads, drainage or necessary facilities have been or are being provided;
- (6) Adequate ingress and egress to the property and structures thereon is being provided, with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (7) Adequate off-street parking and loading areas are being provided, where required, with particular attention to the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district;
- (8) Adequate provision for refuse and service areas;
- (9) Adequate provision for appropriate screening and buffering with reference to type, dimensions, and character of the use;
- (10) Any signs and exterior lighting are compatible and in harmony with properties in the district concerning aesthetics, glare, traffic safety, and economic effect;
- (11) Required yards and other open spaces are adequately provided;
- (12) The proposed use is compatible with adjacent properties and other property in the district;
- (13) An adequate supply of light and air to adjacent property is provided;
- (14) The conditional use conforms to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board of supervisors.

C. *Conditions and sureties.* Prior to granting any conditional use, the planning commission may recommend and the board of supervisors may require such conditions and restrictions on the establishment, duration, location, or construction of the conditional use as necessary for the protection of the public interest, health, safety, or welfare, and to secure compliance with the standards and requirements of this ordinance. The board of supervisors may require such evidence, sureties and bonds as it deems necessary in the public interest as proof that the conditions are being and will be complied with. The board of supervisors may grant a conditional use permit if appropriate conditions cause it to be in the public necessity, convenience, general welfare, or otherwise a good zoning practice, or it may deny the application.

D. *Revocation.* The board of supervisors may revoke a conditional use permit if it determines that there has not been compliance with the conditions. The revocation can only occur after a public hearing with notice of the hearing being provided as required by Virginia Code § 15.2-2204.

**Sec. 15-61. Proffered and imposed conditions.**

A. *Records.* The official zoning map will provide a link to any proffered or imposed conditions associated with the property. The zoning administrator will maintain the official zoning map and the records documenting all proffered or imposed conditions associated with all properties.

B. *Sureties.* The zoning administrator is vested with all necessary authority on behalf of the board of supervisors to administer and enforce imposed or proffered conditions, including (i) the ordering in writing of the remedy of any noncompliance with such conditions; (ii) the bringing of legal action to insure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and (iii) requiring a surety, in a form satisfactory to the county attorney, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or requiring a contract for the construction of such improvements and a similar surety from the contractor. The zoning administrator will reduce or release all or a reasonable portion of the surety upon submission of satisfactory evidence that construction of all or a portion of the improvements are complete. Any applicant or other person aggrieved by the zoning administrator's decision with respect to the surety may petition the board of supervisors for review of the decision by filing a petition with the zoning administrator and the clerk of the board of supervisors within 30 days from the decision being appealed. The petition must specify the action being appealed and the grounds of the appeal. A decision by the board of supervisors on the appeal is binding on the owner of the affected property only if the property owner is provided written notice of the zoning violation, written determination, or other appealable decision. An applicant or other aggrieved party may petition the Goochland Circuit Court for review of the board of supervisor's decision by filing an appeal with the court within 30 days of the board of supervisor's decision.

C. *Compliance.* Failure to meet all conditions is cause to deny issuance of any use, occupancy, or building permit.

D. *Proffer condition.* Unless waived by the board of supervisors as permitted under state law, written notice and a public hearing are required to amend any proffered conditions.

**Sec. 15-62. Reapplication.**

If a rezoning, proffer condition amendment, or conditional use permit application is denied, a substantially similar application cannot be filed for 12 months from the date of denial.

**Secs. 15-63—15-100. Reserved.**

**ARTICLE 3. AGRICULTURAL, GENERAL, DISTRICT A-1**

**Sec. 15-101. Statement of intent.**

This district is intended for agricultural and forestal uses, rural by-right residential development (2-acre minimum lot size), agriculture-based businesses, and rural economic development activities. This district serves to protect agricultural and forestal lands thereby conserving the county's natural resources. The district allows minor subdivisions and family divisions, but not major subdivisions. The A-1 districts are generally located in the western portion of the county and designated on the comprehensive plan as rural enhancement area.

**Sec. 15-102. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Agriculture/Natural Resources</b>	Agriculture	P
	Agricultural processing	CUP
	Biosolids, routine storage, in accordance with Sec. 15-281.A	CUP
	Community garden	P
	Composting facility	CUP
	Conservation area; wildlife preserve; woodland preserve	P
	Equestrian horse show	P
	Equestrian school of no more than five students; horse breeding; horse boarding stable	P
	Equestrian school of more than five students; horse riding stable in accordance with Sec. 15-282.B	CUP
	Farm and feed supply store	CUP
	Farm distribution hub	CUP
	Farm equipment sales and services	CUP
	Farm operation	P
	Farm stand in accordance with Sec. 15-281.B	P
	Farmers market in accordance with Sec. 15-281.C	P
	Forestry	P
	Greenhouse/nursery - production	P
	Greenhouse/nursery - retail	CUP
	Horticulture	P
	Kennel-commercial	CUP
	Kennel-private	P
	Livestock market	CUP
	Manufactured home, farm operation, in accordance with Sec. 15-281.D	P
	Pick-your-own farm operation	P
	Sawmill, commercial	CUP
	Sawmill, minor, in accordance with Sec. 15-281.E	P
	Sawmill, mobile	P
	Wetland mitigation bank	P
	Winery, cidery, brewery, or distillery, on less than 50 acres and accessory public assembly uses	CUP
	Winery, cidery, brewery, or distillery, on 50 acres or more and accessory public assembly uses, in accordance with Sec. 15-281.F	P

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	P
	Dwelling, manufactured home	P
	Dwelling, single-family detached	P
	Dwelling, two-family	CUP
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home-based business	CUP
	Home occupation in accordance with Sec. 15-285.E	P
	Landing area for aircraft, private	CUP
	Short-term rental, hosted, in accordance with Sec. 15-285.G	P
	Short-term rental, unhosted, in accordance with Sec. 15-285.G	CUP
	<b>Commercial/Industrial</b>	Antique shop and gift shop
Automobile graveyard		CUP
Automobile repair or service station (with major repair under cover)		CUP
Automobile sales		CUP
Cabinet making; furniture and upholstery shop		CUP
Car wash		CUP
Contractor storage, small, in accordance with Sec. 15-283.I		CUP
Convenience store		CUP
Gas station		CUP
Golf course; golf driving range; miniature golf course; country club		CUP
Gun range - Indoor or outdoor gun range; rifle range; skeet shooting range; similar range or course; gunsmith shop		CUP
Hotel		CUP
Machinery sales and service		CUP
Meat processing facility, limited, on property 25 acres or more, in accordance with Sec. 15-283.H		CUP
Office, professional; office, medical		CUP
Restaurant		CUP
Retail use		CUP
Sand and gravel pit; quarry; mining; all in accordance with Sec. 15-283.F		CUP
Taxidermy		P
Transfer station and convenience center		CUP
Truck hauling operation not to exceed three trucks		P
Truck hauling operation, four or more trucks		CUP
Vehicle repair		CUP
Veterinary services; animal hospital; animal boarding; animal shelter	CUP	

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Public/Institutional</b>	Adult day care center	CUP
	Assisted living facility; group home of eight or fewer	P
	Athletic field and other commercial recreation	CUP
	Campground; camp; day or boarding	CUP
	Cemetery, commercial	CUP
	Child care center in accordance with Sec. 15-283.C	CUP
	Club, private	CUP
	Family day home, four children or fewer	P
	Fire and rescue station	P
	Government services	P
	Nursing home and assisted living facility	CUP
	Park and ride facility	P
	Park; playground; public recreational facility	P
	Public assembly place in accordance with Sec. 15-290	CUP
	Residential facility, children (therapeutic group home)	CUP
	Respite care, overnight	CUP
	School	CUP
	Worship use existing as of July 1, 2016; expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016	P
Worship use; expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016	CUP	
<b>Utilities</b>	Energy storage facility	CUP
	Small cell facility in accordance with Sec. 15-288.A	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Solar energy facility, principal	CUP
	Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Utility generating station, transmission substation; transmission line, other than normal distribution facility	CUP
	Water and wastewater treatment plant	CUP
	Wind turbine, small, in accordance with Sec. 15-289.A	CUP

(Ord. No. 5542, § 1, 12-6-22; Ord. No. 5572, § 1, 1-3-23; Ord. No. 5703, § 1, 5-2-23)

**Sec. 15-103. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area(exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Lots fronting on existing public roads	3 ac.
Lots fronting on internal roads within the project (public or private)	2 ac.
<b>Minimum Lot Width (measured at setback line - exclusive of all road rights-of-way)</b>	
Routes 6 and 250	350 ft.
Routes 45, 650, 632, 670, 621, 623 and 522	300 ft.
All other roads	200 ft.
Corner lot, public or private road	200 ft.
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	75%

Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary road	75 ft.
Private road	55 ft.
Side yard	20 ft.
Corner lot cul-de-sac	35 ft.
Rear yard	35 ft.

<b>Accessory Structure</b>	
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary road	75 ft.
Private road	55 ft.
Corner lot cul-de-sac	35 ft.
Rear and side yard - accessory structure not attached to main building	5 ft.

**Secs. 15-104—15-110. Reserved.**

**ARTICLE 4. AGRICULTURAL, LIMITED, DISTRICT A-2**

**Sec. 15-111. Statement of intent.**

This district is intended to provide a transitional rural area between the general agricultural district (A-1) and more intense development occurring in the eastern portion of the county. This district allows for agricultural and forestal land uses, comingled with rural residential development (2-acre minimum lot size) and agricultural-based businesses. This district serves to protect agricultural and forestal lands thereby conserving the county's natural resources. The A-2 districts are generally found east of Routes 522 and 607 and west of the Tuckahoe Creek Service District; and are generally designated on the comprehensive plan as rural enhancement area.

**Sec. 15-112. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Agriculture/Natural Resources</b>	Agriculture	P
	Agricultural processing	CUP
	Community garden	P
	Composting facility	CUP
	Conservation area; wildlife preserve; woodland preserve	P
	Equestrian - horse boarding; horse breeding stable	P
	Equestrian horse show	P
	Equestrian school; horse riding stable in accordance with Sec. 15-282.B	CUP
	Farm and feed supply store	CUP
	Farm operation	P
	Farm stand in accordance with Sec. 15-281.B	P
	Farmers market in accordance with Sec. 15-281.C	CUP
	Forestry	P
	Greenhouse/nursery - production	P
	Greenhouse/nursery - retail	CUP
	Horticulture	P
	Kennel-commercial	CUP
	Kennel-private	P
	Manufactured home, farm operation, in accordance with Sec. 15-281.D	P
	Pick-your-own farm operation	P
	Sawmill, minor, in accordance with Sec. 15-281.E	P
	Sawmill, mobile	P
	Wetland mitigation bank	P
Winery, cidery, brewery, or distillery, on less than 50 acres and accessory public assembly uses	CUP	
Winery, cidery, brewery, or distillery, on 50 acres or more and accessory public assembly uses, in accordance with Sec. 15-281.F	P	

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	P
	Dwelling, manufactured home	P
	Dwelling, single-family detached	P
	Dwelling, two-family	CUP
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home-based business	CUP
	Home occupation in accordance with Sec. 15-285.E	P
	Landing area for aircraft, private	CUP
	Short-term rental, hosted, in accordance with Sec. 15-285.G	P
	Short-term rental, unhosted, in accordance with Sec. 15-285.G	CUP
	<b>Commercial</b>	Antique shop; gift shop
Automobile repair or service station (with major repair under cover)		CUP
Automobile Sales		CUP
Cabinet making; furniture and upholstery shop		CUP
Car wash		CUP
Contractor storage, small, in accordance with Sec. 15-283.I		CUP
Convenience store		CUP
Gas station		CUP
Golf course; golf driving range; miniature golf course; country club		CUP
Gun range - Indoor or outdoor gun range; rifle range; skeet shooting range; similar range or course; gunsmith shop		CUP
Hotel		CUP
Machinery sales and service		CUP
Office, professional; office, medical		CUP
Restaurant		CUP
Retail use		CUP
Sand and gravel pit; quarry; mining; all in accordance with Sec. 15-283.F		CUP
Taxidermy		P
Truck hauling operation not to exceed two trucks		P
Truck hauling operation, three or more trucks		CUP
Veterinary services; animal hospital; animal boarding, including any facility for one or more wolf hybrids; animal shelter	CUP	

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Public/Institutional</b>	Adult day care center	CUP
	Assisted living facility; group home of eight or fewer	P
	Athletic field; other commercial recreation	CUP
	Campground; camp, day or boarding	CUP
	Cemetery, commercial	CUP
	Child care center in accordance with Sec. 15-283.C	CUP
	Club, private	CUP
	Family day home, four children or fewer	P
	Fire and rescue station	P
	Government services	P
	Nursing home; assisted living facility	CUP
	Park and ride facility	P
	Park; playground; public recreational facility	P
	Public assembly place in accordance with Sec. 15-290	CUP
	Respite care, overnight	CUP
	Worship use existing as of July 1, 2016; expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016	P
	Worship use; expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016	CUP
	School	CUP
<b>Utilities</b>	Energy storage facility	CUP
	Gas transmission line; compressor station; measurement station; regulator station	CUP
	Small cell facility in accordance with Sec. 15-288.A	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
	Tower facility for governmental use	P
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Utility generating station, transmission substation; transmission line, other than normal distribution facility	CUP
	Water and wastewater treatment plant	CUP
	Wind turbine, small, in accordance with Sec. 15-289.A	CUP

(Ord. No. 5572, § 2, 1-3-23; Ord. No. 5703, § 2, 5-2-23)

**Sec. 15-113. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area(exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Lots fronting on existing public roads	3 ac.
Lots fronting on internal roads within the project (public or private)	2 ac.
<b>Minimum Lot Width (measured at setback line - exclusive of all roads)</b>	
Routes 6 and 250	350 ft.
Routes 45, 650, 632, 670, 621, 623 and 522	300 ft.
All other roads	200 ft.
Corner lot, public or private road	200 ft.
<b>Minimum Lot Frontage</b>	

Lot frontage - percentage of the minimum required lot width	75%
Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary road	75 ft.
Private road	55 ft.
Side yard	20 ft.
Corner lot cul-de-sac	35 ft.
Rear yard	35 ft.

<b>Accessory Structure</b>	
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary road	75 ft.
Private road	55 ft.
Corner lot cul-de-sac	35 ft.
Rear and side yard	5 ft.

**Secs. 15-114—15-120. Reserved.**

**ARTICLE 5. AGRICULTURAL, INTENSIVE, DISTRICT A-3**

**Sec. 15-121. Statement of intent.**

This district is intended to conserve, protect, and encourage the development and improvement of the county's agricultural land for the production of food and other agricultural products. It also allows for responsible growth of swine facilities, slaughterhouses, and meat processing plants while minimizing their associated impacts on adjoining properties. This district would generally be designated on the comprehensive plan as rural enhancement area.

**Sec. 15-122. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
A-1, Agricultural, General permitted uses	P
Abattoir, slaughterhouse	CUP
Intensive swine facility	P
Meat, poultry, and fish processing	CUP

**Sec. 15-123. District standards.**

**A. Acreage Requirements**

<b>Facility</b>	<b>Minimum Acreage</b>
751—2,000 hogs	50 ac.
Each additional 1,000 hogs	Additional 25 ac.
Abattoir, slaughterhouse	50 ac.
Meat, poultry, and fish processing	50 ac.

**B. Facility Setbacks**

<b>Minimum Yard Setbacks (measured from property line)</b>	<b>Distance</b>
Existing dwelling units in agricultural district	1,000 ft.
Existing dwelling units in any other district	1,200 ft.

**Sec. 15-124. Certified plat for intensive swine facility.**

The owner of an intensive swine facility must file with the zoning administrator a plat, or similar document acceptable to the zoning administrator, showing all the parcels on which the facility is located and the location of the facility within the parcel(s), together with a written notarized statement certifying that the intensive facility meets all applicable setback requirements.

**Sec. 15-125. Development plan for swine facility.**

A development plan for all swine facilities is required, as follows:

- A. An operator or prospective operator must file with the zoning administrator a development plan which identifies the planned number, size, and location of swine structures. The zoning administrator will act upon a complete development plan within 30 days of receipt. If the development plan does not meet the requirements of this article, the zoning administrator will provide a written description of the portion(s) of the development plan that do not comply.
- B. The development plan must contain all the data and meet all the requirements of this article and be accompanied by a plat or other acceptable document verifying the accuracy of the distances shown.

- C. The development plan will be valid only if the proposed structures are constructed in accordance with it and only if at least ⅓ of the swine are placed into service within 36 months of plan approval. If an operator fails to build a proposed structure or have in place the minimum number of swine required, then the development plan shall be voided.
- D. While the development plan remains in effect, the proposed structures must comply only with those setbacks from dwellings and uses existing at the time of plan approval.
- E. The operator must provide the zoning administrator written notice within 30 days of placing into service any structure on the approved development plan.
- F. Each parcel with an approved development plan must display at its entrance a sign, between two and four square feet, clearly visible from the nearest roadway, stating that a development plan is in effect for the parcel and containing the words "certified agricultural development site." The sign location must be approved by the zoning administrator.
- G. An operator or prospective operator may submit amendments to the original development plan or to revised development plans at any time. The zoning administrator will consider the amended or revised development plan according to the then-applicable standards.
- H. If a nutrient management plan is required by the state, then the swine facility cannot operate until it has a state-approved nutrient management plan. The operator of the swine facility must submit a copy of the nutrient management plan with the development plan.

**Secs. 15-126—15-130. Reserved.**

**ARTICLE 6. RESIDENTIAL, RURAL, DISTRICT R-R**

**Sec. 15-131. Statement of intent.**

This district is intended to provide limited residential development in areas of the county designated on the comprehensive plan as rural enhancement areas. These areas exhibit a rural character with low density residential, agricultural, forest, or other uses in areas not planned for public or central utilities. Residential uses have a minimum lot size of five acres, and developments should include a significant amount of open space, limit the amount of grading and native plant removal, and create minimal visual and other adverse impacts. Roadside strip development is discouraged.

**Sec. 15-132. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Chicken-keeping, residential and limited agricultural animals, in accordance with Sec. 15-282.A	P
	Dwelling, manufactured home	P
	Dwelling, single-family	P
	Dwelling, two-family	CUP
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
<b>Non-residential</b>	Adult day care center	CUP
	Antique shop; gift shop	CUP
	Assisted living facility; group home for eight or fewer	P
	Child care center in accordance with Sec. 15-283.C	CUP
	Club; lodge	CUP
	Commercial vehicle parking in accordance with Sec. 15-285.C	P
	Dance school; dance studio	CUP
	Equestrian - horse boarding; horse breeding stable; barn and other facility for keeping of livestock, horses, or ponies	P
	Family day home, four children or fewer	P
	Fire and rescue station	P
	Nursing home; assisted living facility	CUP
	Park; playground	P
	School	CUP
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Temporary trailer in accordance with Sec. 15-287	P
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Worship uses existing as of July 1, 2016 and the expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016	P

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
	Worship uses and expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016.	CUP

(Ord. No. 5703, § 3, 5-2-23)

**Sec. 15-133. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area (exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Lots fronting on existing public roads or internal public or private roads	5 ac.
<b>Minimum Lot Width (measured at setback line - exclusive of all roads)</b>	
Routes 6 and 250	350 ft.
Routes 45, 650, 632, 670, 621, 623 and 522	300 ft.
All other roads	200 ft.
Corner lot, side fronting on existing public roads	200 ft.
Corner lot, side fronting on internal public or private roads	150 ft.
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	80%
Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard setbacks	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	55 ft.
All other roads	75 ft.
Side yard	15 ft. /35 ft. total
Side yard corner lot	35 ft.
Rear yard	35 ft.
<b>Maximum Height*</b>	
Structures	45 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	55 ft.
All other roads	75 ft.
Side yard	5 ft.
Side yard for corner lots or adjacent to an access easement	35 ft.
Rear yard	5 ft.
<b>Maximum Height*</b>	
Accessory structure	Less than main building height
Accessory structure within 20 ft. of lot line	15 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the adjacent building height.	

**Sec. 15-134. Open space/natural area requirement.**

A minimum of 25% of this district's acreage must be open space/natural area. The area in roads and existing utility rights-of-way are not included in the required open space/natural area. The area in lakes, ponds and floodplains cannot exceed 50% of the required open space/natural area. There is no requirement for open space/natural area for developments of six or fewer lots.

**Secs. 15-135—15-140. Reserved.**



**ARTICLE 7. RESIDENTIAL, PRESERVATION, DISTRICT R-P**

**Sec. 15-141. Statement of intent.**

This district is intended to provide for well-planned single-family residential developments that preserve the rural areas of the county. The district requires 50% open space and requires a minimum lot size of two acres. Rural viewsheds from public roadways and other public areas are intended to be preserved in this district. The district consists of both residential areas and conservation areas (i.e., the preservation tract). Agriculture is a permitted use in the preservation area under an approved management plan. The regulations are intended to retain open space/natural areas while providing an incentive to develop cluster rural residential development. This district is appropriate in areas designated Rural Enhancement Areas on the comprehensive plan.

**Sec. 15-142. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Residential Lot</b>		
	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Chicken-keeping, residential, in accordance with Sec. 15-282.A	P
	Dwelling, manufactured home	P
	Dwelling, single-family	P
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
<b>Non-residential</b>	Assisted living facility; group home for eight or fewer	P
	Commercial vehicle parking in accordance with Sec. 15-285.C	P
	Equestrian - horse boarding; horse breeding stable; barn and other facility for keeping of livestock, horses, or ponies	CUP
	Family day home, four children or fewer	P
	Horticulture and garden associated with a residential use	P
	Recreation area, passive or active; pedestrian and jogging trail; bicycle path; picnic and sitting area; similar facility serving residents of the development	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Temporary trailer in accordance with Sec. 15-287	P
	Trailer, boat trailer, one commercial vehicle, recreational vehicle, or a boat (not exceeding 40 ft. in length) storage as long as it is not located in the front yard and it is screened in accordance with Secs. 15-287 and 15-379.B	P
	Utility distribution facility, public, and all accompanying appurtenances and structures	P

<b>Preservation Tract</b>		
	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
	Agricultural uses under a management plan in accordance with Sec. 15-145	P
	Buffer, natural or landscaped	P

<b>Preservation Tract</b>	
<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Conservation area, wildlife reservation, forest in accordance with a management plan in accordance with Sec. 15-145	P
Farm building in accordance with Sec. 15-144.D	CUP
Equestrian - horse boarding; horse breeding stable; barn and other facility for keeping of livestock, horses, or ponies	CUP
Recreation, active, which encompasses a more intensive range of outdoor activities than passive recreation including sports and other activities that typically require improvements, playing fields, constructed facilities including equestrian facilities or developed areas for organized or intense recreation	CUP
Recreation, passive, which includes outdoor activities compatible with preserving forestlands and natural areas, such as hiking, walking, biking, canoeing, bird watching, and picnicking. Other than trails, few improvements are appropriate.	P
Utilities, public or public service uses, buildings, treatment plants, pumping or regulator stations, substations and power transmission lines within the preservation tract	CUP
Well; disposal facility, including drainfields, for community recreational facilities	CUP

(Ord. No. 5703, § 4, 5-2-23)

**Sec. 15-143. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area (exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Lot	2 ac.
<b>Minimum Density</b>	
50% of the total acreage shall be set aside for a preservation tract	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Single-family dwellings	
Setback for all residential lots and structures from existing roads (Required 200' buffer along non-subdivision roads)	200 ft.
Front yard from internal roads	40 ft.
Side yard	20 ft.
Rear yard	25 ft.
All other structures	
Front yard setback	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary road	75 ft.
Private road	55 ft.
Side yard	20 ft.
Corner lot or adjacent to an access easement	35 ft.
Rear yard	35 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
*Barns and silos are exempt from height restrictions	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Single-family dwellings	
Front yard from internal roads	40 ft.
Front yard for corner lots	35 ft.
Side yard	5 ft.
Rear yard	5 ft.

<b>Maximum Height*</b>	
Accessory structures	35 ft.
*Barns and silos are exempt from height restrictions	

**Sec. 15-144. Preservation tract.**

A. The preservation tract must consist of at least 50% of the acreage of the district. Areas in roads and existing utility rights-of-way are not included in the preservation tract. Acceptable areas in lakes, ponds and floodplains will not exceed 50% of the preservation tract. Staff is granted administrative authority to determine compliance with the location and character of the preservation tract, but not the acreage.

B. All of the preservation tract must be owned by a homeowners' or property owners' association. The preservation tract must be established as a usable passive recreational area for development residents. It could contain trails for biking, walking, or horseback riding.

C. The preservation tract must be designed to preserve rural viewsheds from public roads and other public areas.

D. On parcels of 25 acres or more used for agricultural purposes, the following are permitted only as accessory uses, or, if required, with a conditional use permit: structures for sale of farm products raised on the premises; open or enclosed storage of farm materials, products, or equipment; and farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks and silos.

**Sec. 15-145. Management plan for preservation tract.**

When the preservation tract will be used for agriculture, forests, wildlife reservations, or conservation areas, a management plan is required. Management plans must be submitted and approved by the community development department prior to plan of development approval. A management plan may be approved if it ensures the health, safety, and welfare of residents, and conforms to the good zoning practices of the county. No timber cutting is allowed in the preservation tract except in conformance with the approved management plan.

The management plan must include:

- A. Plan for agricultural/forestral uses, such as the crops/trees to be cultivated or grown, the use of fertilizer and pesticides, and environmental controls.
- B. A map identifying fields, pastures, and areas to be used, timbered or cultivated.
- C. A forest stewardship plan which includes best management practices and a schedule for timbering, if appropriate.
- D. A nutrient management plan for crop and pasture lands.
- E. The location and depth of buffers.
- F. Other information reasonably related to the types of proposed agricultural and forestal uses.
- G. Provisions for the homeowners' or property owners' association's ownership, operation, and management of all common facilities, and open space/natural area, including the preservation tract.

**Sec. 15-146. Submittal requirements.**

The following documents must be submitted with each rezoning application:

- A. *Existing features and site analysis plan.* Plans for proposed districts of less than 100 acres must be drawn to a scale of not less than 1 inch: 200 feet and include the area within 1,000 feet of the boundary of the proposed district. For proposed districts of 100 acres or more, the scale should be not less than 1 inch: 400 feet and include the area within 2,000 feet of the proposed district. The plan must include the following information:
- (1) Topography map clearly showing slopes between 15% and 25%, and above.
  - (2) Streams, valleys, and wetland complexes (from maps published by the U.S. Fish and Wildlife Service or the USDA Natural Resources Conservation Service).
  - (3) Woodlands over ½ acre in area (from county base maps and/or aerial photographs).
  - (4) Ridgelines, public and private roads and trails, utility and other easements and rights-of-way, public land, land protected under conservation easements, buildings, utilities, drainage ditches, and other manmade improvements.
  - (5) Rock outcroppings and aquifer recharge areas based on available published information (from USGS maps or other sources approved by the county).
  - (6) The location of ponds, streams, and natural drainage swales, and 100-year floodplains.
  - (7) Soil types, including designations of "prime," "of statewide importance," and "other," and accompanying data regarding septic suitability and depth to high water table for each soil type, (as mapped by the USDA Natural Resources Conservation Service, in the published soil survey for the county).
  - (8) Vegetative cover conditions according to general cover type including cultivated land, grassland, woodland, and wetlands.
  - (9) Watershed boundaries (from county base maps).
  - (10) Locations of all historic structures, features, and sites.
  - (11) If the preservation tract is to be used for agricultural or forestal uses, a management plan must be submitted prior to plan of development approval.
  - (12) Provisions for the homeowners' or property owners' association's ownership, operation, and management of all common facilities, and open space/natural area, including the preservation tract.
- B. *Conceptual site plan; requirements.* After the on-site review of the existing features and site analysis plan, the applicant must prepare a conceptual site plan for the proposed district. The site plan must include the required existing features and site analysis plan, plus the following:
- (1) The proposed title of the project, name of the engineer, architect, designer, and/or landscape architect, and the owner's and developer's names.
  - (2) The north point, date, and scale as required in Sec. 15-146.A.
  - (3) Zoning and zoning district boundaries, both existing and proposed.
  - (4) Vicinity sketch, at a scale no greater than 1 inch: 2,000 feet.
  - (5) Designation of preservation tract and development areas as described in Sec. 15-146.C below, and areas of common open space/natural area.
  - (6) Proposed lot lines, road rights-of-way, and pedestrian trails.

- C. *Preservation tract and development areas.* The preservation tract must be at least 50% of the net acreage. The remainder may be development area for residential lots. To the extent practicable, the preservation tract should incorporate the following resources:
- (1) Streams and wetland complexes, ponds, and natural drainage swales; and 100-year floodplains.
  - (2) "Prime" and "of statewide importance" soils.
  - (3) Moderate and steep slopes of 15% or more.
  - (4) Significant natural areas of species listed as endangered, threatened, or of special concern.
  - (5) Historic structures, features, and sites.
  - (6) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
  - (7) 100-foot buffers on each side of all perennial streams and 50-foot buffers on each side of all intermittent streams.

**Secs. 15-147—15-150. Reserved.**



**ARTICLE 8. RESIDENTIAL, LIMITED, DISTRICT R-1**

**Sec. 15-151. Statement of intent.**

This district is designed for residential areas and is generally limited to single-family dwellings plus additional uses that serve the residents of the district. Minimum lot size for lots with individual water and sewerage systems is 1.5 acres. Minimum lot size for lots connected to public utilities is 24,000 square feet (1.8 units per acre). This district generally corresponds to areas identified on the comprehensive plan for residential uses.

**Sec. 15-152. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Chicken-keeping, residential, in accordance with Sec. 15-282.A	P
	Dwelling, manufactured home	P
	Dwelling, single-family	P
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
<b>Non-residential</b>	Assisted living facility; group home for eight or fewer	P
	Family day home, four children or fewer	P
	Park, playgrounds	P
	School	CUP
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Temporary trailer in accordance with Sec. 15-287	P
	Utility - Gas transmission lines, compressor stations, measurement station, regulator station	CUP
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Utility transmission substation; transmission line, other than normal distribution facility	CUP
	Worship uses existing as of July 1, 2016 and the expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016	P
	Worship uses and expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016	CUP

(Ord. No. 5703, § 5, 5-2-23)

**Sec. 15-153. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area(exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Lots served by both public or central water and sewage systems	24,000 sq. ft.
Lots served by only one public or central utility	1 ac.
Lots served by both individual water and sewage systems	1.5 ac.

<b>Minimum Lot Width (measured at setback line - exclusive of all roads)</b>	
Lots served by both public or central water and sewage systems	100 ft.
Lots served by only one public or central utility	150 ft.
Lots served by both individual water and sewage systems	200 ft.
Corner lot	125 ft.
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	80%
Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
All other roads	75 ft.
Side yard	15 ft.
Side yard for corner cul-de-sac	35 ft.
Rear yard	35 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
All other roads	75 ft.
Side yard	5 ft.
Side yard for corner lot or adjacent to an access easement	35 ft.
Rear yard	5 ft.
<b>Maximum Height*</b>	
Accessory structures	Less than main building height
Accessory structures within 20 ft. of lot line	15 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

**Sec. 15-154. Open space requirement.**

A minimum of 20% of the district acreage must be open space. The area in roads and existing utility rights-of-way are not included in the required open space. The area in lakes, ponds and floodplains cannot exceed 50% of the required open space. There is no open space requirement for developments of six or fewer lots.

**Secs. 15-155—15-160. Reserved.**

**ARTICLE 9. RESIDENTIAL, GENERAL, DISTRICT R-3**

**Sec. 15-161. Statement of intent.**

This district is intended to provide a variety of residential uses including single-family, duplexes, triplexes, and quad units. Minimum lot size for single family lots with individual water and sewerage systems is 1.5 acres and lot sizes may be reduced to 20,000 square feet (2.2 units per acre) if they are connected to public utilities. Densities are higher for duplexes (3.4 units per acre), triplexes (3.4 units per acre), and quad units (4.4 units per acre). Multi-family uses are only recommended for areas that are within a village and served by public utilities. The district also permits public, semipublic, institutional, and other related uses. This district generally corresponds to areas identified on the comprehensive plan for residential uses.

**Sec. 15-162. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Dwelling, single family	P
	Dwelling, manufactured home	P
	Dwelling, two-family for properties zoned R-3 prior to January 1, 2020	P
	Dwelling, two-family for properties zoned after January 1, 2020	CUP
	Dwelling, three-family for properties zoned R-3 prior to January 1, 2020	P
	Dwelling, three-family for properties zoned R-3 after January 1, 2020	CUP
	Dwelling, four-family	CUP
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
	<b>Non-residential</b>	Assisted living facility; group home for eight or fewer
Child care center in accordance with Sec. 15-283.C		CUP
Club; lodge		CUP
Dance school, dance studio		CUP
Family day home, four children or fewer		P
Fire and rescue station		P
School		CUP
Solar energy facility, accessory, in accordance with Sec. 15-289.B		P
Temporary trailer in accordance with Sec. 15-287		P
Utility distribution facility, public, and all accompanying appurtenances and structures		P
Utility - gas transmission line, compressor station, measurement station, regulator station		CUP
Utility transmission substation; transmission line, other than normal distribution facility		CUP
Worship uses		CUP

(Ord. No. 5703, § 6, 5-2-23)

**Sec. 15-163. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area(exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
Single-family dwellings	
Lots served by both public or central water and sewage systems	20,000 sq. ft.
Lots served by only one public or central utility	1 ac.
Lots served by both individual water and sewage systems	1.5 ac.
Other dwellings	
Two-family, served by both public or central water and sewage systems	25,000 sq. ft.
Three-family, served by both public or central water and sewage systems	35,000 sq. ft.
Four-family, served by both public or central water and sewage systems	40,000 sq. ft.
<b>Minimum Lot Width (measured at setback line exclusive of all roads)</b>	
Lots served by both public or central water and sewage systems	75 ft.
Each additional use requires an additional 10 ft.	
Lots served by only one public or central utility	150 ft.
Lots served by both individual water and sewage systems	200 ft.
Corner lot	100 ft.
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	80%
Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (measured from the property line)</b>	
Front yard setbacks	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
All other roads	75 ft.
Side yard	10 ft. /25 ft. total
Side yard corner lot	35 ft.
Rear yard	25 ft.
<b>Maximum Height*</b>	
Structures	35 ft.

\* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setbacks	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
All other roads	75 ft.
Side yard setbacks	5 ft.
Side yard corner lot or adjacent to an access easement	35 ft.
Rear yard setbacks	5 ft.
<b>Maximum Height*</b>	
Accessory structures	Less than main building height
Accessory structures within 20 ft. of lot line	15 ft.

\* Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.

**Sec. 15-164. Open space requirement.**

A minimum of 20% of the district acreage must be open space. The area in roads and existing utility rights-of-way are not included in the required open space. The area in lakes, ponds, and floodplains cannot exceed 50% of the required open space. There is no open space requirement for developments of six or fewer lots.

**Secs. 15-165—15-170. Reserved.**



**ARTICLE 10. RESIDENTIAL, NEIGHBORHOOD, DISTRICT R-N**

**Sec. 15-171. Statement of intent.**

This district is designed for residential areas within villages as designated on the comprehensive plan where public water and sewer are available. The regulations for this district are designed to encourage efficient development patterns that maximize the use of the land in a village setting. Permitted uses are limited to single-family dwellings plus uses that serve the district residents. The minimum lot size is 15,000 square feet which allows a density of 2.9 units per acre. This district corresponds to areas designated on the comprehensive plan as being in a village and designated for residential use.

**Sec. 15-172. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Dwelling, manufactured home	P
	Dwelling, single-family	P
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
<b>Non-residential</b>	Assisted living facility; group home for eight or fewer	P
	Family day home, four children or fewer	P
	Park; playground	P
	School, private	CUP
	School, public	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Temporary trailer in accordance with Sec. 15-287	P
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Utility - gas transmission line, compressor station, measurement station, regulator station	CUP
	Utility transmission substation; transmission line, other than normal distribution facility	CUP
	Worship uses existing as of July 1, 2016 and the expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016.	P
	Worship uses and expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016.	CUP

(Ord. No. 5703, § 7, 5-2-23)

**Sec. 15-173. District standards.**

<b>Principal Structure</b>	
<b>Public Utilities</b>	
All lots must be served by both public water and sewage systems	
<b>Minimum Lot Area (exclusive of road rights-of-way, ponds, lakes, and rivers)</b>	
All lots served by both public water and sewage systems	15,000 sq. ft.
<b>Minimum Lot Width(measured at setback line - exclusive of all roads)</b>	
Lots served by both public water and sewage systems	85 ft.
Corner lot	100 ft.
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	80%
Lot frontage for cul-de-sac lots	50 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary roads	75 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
Side yard	
Side yard corner lot	25 ft.
Rear yard	25 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 45, 250, 522, 621, 623, 632, 650, and 670	100 ft.
Secondary roads	75 ft.
Cul-de-sac roads and internal subdivision roads	40 ft.
Side yard	
Side yard for corner lot or adjacent to an access easement	35 ft.
Rear yard	5 ft.
<b>Maximum Height*</b>	
Accessory structure	Less than main building height
Accessory structure within 20 ft. of lot line	15 ft.
*Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

**Sec. 15-174. Open space requirement.**

A minimum of 20% the district acreage must be open space. The area in roads and existing utility rights-of-way are not included in the required open space. The area in lakes, ponds and floodplains cannot exceed 50% of the required open space. There is no open space requirement for developments of six or fewer lots.

**Secs. 15-175—15-180. Reserved.**

**ARTICLE 11. RESIDENTIAL, OFFICE, DISTRICT R-O**

**Sec. 15-181. Statement of intent.**

This district is intended to include suburban residential and professional office uses that provide a transition between residential and commercial areas, or in which commercial uses might be damaging to established residential neighborhoods. This district is intended to provide a mix of residential uses with certain specified business, such as personal and professional services, that can function efficiently without generating large volumes of vehicular traffic. This district's regulations and restrictions are intended to protect, preserve, and enhance residential uses while permitting uses characterized principally by consultative, personal, executive, and administrative services. Strong preference will be given to complementary uses which facilitate easy pedestrian circulation and encourage joint use of parking areas and shared vehicle ingress and egress. This district corresponds to areas on the comprehensive plan that transition from residential to commercial.

**Sec. 15-182. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Residential</b>	Accessory family housing unit, attached, in accordance with Sec. 15-285.A	P
	Accessory family housing unit, detached, in accordance with Sec. 15-285.A	CUP
	Bed and breakfast in accordance with Sec. 15-285.G	CUP
	Dwelling, manufactured home	P
	Dwelling, single-family	P
	Dwelling, two-family	CUP
	Family health care structure, temporary, in accordance with Sec. 15-285.D	P
	Home occupation in accordance with Sec. 15-285.E	P
	Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
<b>Non-residential</b>	Antique shop; gift shop	CUP
	Assisted living facility; group home for eight or fewer	P
	Audio studio in a soundproof building	CUP
	Child care center in accordance with Sec. 15-283.C	CUP
	Club; lodge	CUP
	Family day home, four children or fewer	P
	Fire and rescue station	P
	Museum; historical and cultural exhibit; library; similar uses	P
	Office, professional; office, medical; both in accordance with Sec. 15-184	P
	Park; playground	P
	School, private	CUP
	School, public	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Temporary trailer in accordance with Sec. 15-287	P
	Utility distribution facility, public, and all accompanying appurtenances and structures	P
	Utility - gas transmission line, compressor station, measurement station, regulator station	CUP
	Utility transmission substation; transmission line, other than normal distribution facility	CUP
	Worship uses existing as of July 1, 2016 and the expansion of no more than 50% of the square footage of the existing place of worship as of July 1, 2016.	P

<b>Principal Uses and Structures</b>		<b>P or CUP</b>
	Worship uses and expansion of any place of worship in existence on July 1, 2016, that results in a square footage increase greater than 50% of the square footage of the place of worship as of July 1, 2016.	CUP

(Ord. No. 5703, § 8, 5-2-23)

**Sec. 15-183. District standards.**

<b>Principal Structure</b>	
<b>Minimum Lot Area(exclusive of road rights-of-ways, ponds, lakes, and rivers)</b>	
Lots intended for a single dwelling served by both public or central water and sewage systems	20,000 sq. ft.
Lots intended for a single dwelling served by only one public or central utility	1 ac.
Lots intended for a single dwelling served by both individual water and sewage systems	1.5 ac.
Lots intended for more than a single dwelling and served by both public or central water and sewage systems	25,000 sq. ft.
Lots intended for more than a single dwelling and served by only one public or central utility	40,000 sq. ft.
<b>Maximum Impervious Coverage for Non-residential Uses</b>	
Impervious coverage ratio	50%
<b>Minimum Lot Width (measured at setback line - exclusive of all roads)</b>	
Lots served by both public or central water and sewage systems	75 ft.
Each additional use requires an additional 10 ft.	
Lots served by both individual water and sewage systems	200 ft.
Each additional use requires an additional 10 ft.	
<b>Minimum Lot Frontage</b>	
Lot frontage - percentage of the minimum required lot width	80%
Cul-de-sac lots	50 ft.
Corner lots	100 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	
Routes 6, 45, 250, and 522	100 ft.
All other roads	55 ft.
Side yard	
Side yard corner lot or adjacent to an access easement	35 ft.
Rear yard	25 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 45, 250, and 522	100 ft.
All other roads	55 ft.
Side yard	
Side yard for corner cul-de-sac	35 ft.
Rear yard	5 ft.
<b>Maximum Height*</b>	
Accessory structures	Less than main building height

Accessory structures within 20 ft. of lot line	15 ft.
* Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

**Sec. 15-184. Special conditions applicable to professional and medical offices.**

To protect the integrity of residential property from potentially adverse effects of professional and medical offices, the following conditions are imposed on those uses:

- A. *Driveways and parking areas.* All driveways and off-street parking areas must be covered with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete or equivalent paving material approved by the zoning administrator. Parking areas adjacent to residential uses must be appropriately screened by a masonry wall or solid fence between five and seven feet high. The wall or fence must be maintained in sound condition and good appearance; it cannot have any openings or gates permitting vehicular entrance or egress to residential zoning districts. Dense vegetative screening with evergreens may be substituted for all or a portion of the fence or wall, provided that such screening is not unsightly during any season, does not create a fire hazard, and is equivalent to a wall or fence.
- B. *Maximum size of structure.* No structure or group of structures may be of a size or character that creates the impression of general commercial development. Therefore, in addition to other limitations designed to achieve this end, no individual structure may have a gross floor area exceeding 7,500 square feet.
- C. *Appearance.* There cannot be any garbage or trash containers, exposed garbage or trash, or outdoor storage in any portion of any outdoor space. There shall be no outdoor display or outdoor storage.
- D. *Lighting.* Lighting must comply with article 25, Sec. 15-391 through 15-399.
- E. *Hours of operation.* Except for emergency activities, no use may be open for business between 9:00 p.m. and 7:00 a.m.
- F. *Amplification system.* No public address systems, or devices for reproducing or amplifying voices or music, may be mounted outside any building or be audible beyond the property line, except for alarm systems intended to draw attention to an emergency condition such as smoke, fire, or intruders.

(Ord. No. 3539, § 1, 3-4-20)

**Sec. 15-185. Utilities.**

Distribution lines and service connections must be installed underground; provided, however, electric and telephone service may be provided from overhead lines when a lot abuts an existing major street or highway with pre-existing overhead electric or telephone distribution lines, but the service connections still must be installed underground.

**Sec. 15-186. Landscape requirements.**

Refer to Sec. 15-377 for landscape requirements.

**Secs. 15-187—15-190. Reserved.**



**ARTICLE 12. RESIDENTIAL PLANNED UNIT DEVELOPMENT, DISTRICT RPUD**

**Sec. 15-191. Statement of intent.**

This district applies to those areas in major villages designated for and served by public water and sewer utilities. This district provides an opportunity for a variety of housing styles including single-family dwellings, and small scale, multi-family residential development with a maximum density of 2.5 units per acre. There is no minimum lot size in order to encourage creative site designs and layouts that incorporate denser groupings of lots in distinct nodes that are interconnected, with each cluster or node separated by large and meaningful amounts of open space. Development is also intended to provide transition to adjacent uses through perimeter buffers. Limited commercial uses and senior living structures are permitted. This district corresponds to areas on the comprehensive plan shown for residential uses in major villages.

**Sec. 15-192. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Assisted living facility; group home for eight or fewer	P
Bed and breakfast in accordance with Sec. 15-285.G	CUP
Business, Neighborhood uses and structures permitted by right	P
Continuing care retirement community	CUP
Dwelling, single-family	P
Dwelling, two-family	P
Family day home, four children or fewer	P
Group home for eight or fewer	P
Home occupation in accordance with Sec. 15-285.E	P
Lodge; club; country club; golf course	CUP
Multi-family	P
School; child care center	CUP
Senior congregate living facility (minimum lot size is 10 ac.)	CUP
Short-term rental, hosted or unhosted, in accordance with Sec. 15-285.G	CUP
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P

(Ord. No. 5703, § 9, 5-2-23)

**Sec. 15-193. District standards.**

<b>Principal Structure</b>	
<b>Minimum Yard Setbacks for Residential Properties zoned RPUD prior to Dec. 31, 2013</b>	
Front yard	30 ft. from pavement
Side yard - measured between principal detached structures	20 ft.
Side yard facing a subdivision street	15 ft. from pavement
Side yard facing all other streets	40 ft. from right-of-way
Rear yard - measured between principal structures	50 ft.

<b>Minimum Yard Setbacks (measured from property line) for Single-family Residential Properties Zoned RPUD after Dec. 31, 2013</b>	
Front yard	30 ft.
Side yard	10 ft.
Side yard facing a street	15 ft.
Side yard for multi-unit dwellings shall be measured between residential structures	see above
Rear yard	25 ft.
<b>Minimum Yard Setbacks (measured from property line) for Townhouse or Attached Residences</b>	
Front	25 ft.
Side	10 ft.; 25 ft. corner lots, no setbacks on attached units that share a common wall
Rear	25 ft.
<b>Minimum Yard Setbacks (measured from property line) for Continuing Care Retirement Community or Senior Congregate Care Facility</b>	
Front	25 ft. or height of building whichever is greater
Side	25 ft. or height of building whichever is greater, no setbacks on attached units that share a common wall
Rear	25 ft. or height of building whichever is greater
<b>Minimum Yard Setbacks (measured from property line) for Commercial Properties</b>	
Front	40 ft.
Side	20 ft.
Rear	25 ft.
<b>Residential Density</b>	
Maximum gross residential density	2.5 units per ac.
For residential units in a continuing care retirement community or senior congregate care	12 units per ac.
<b>Maximum Impervious Coverage for Residential</b>	
Percentage of land coverage by buildings, street pavement, covered parking areas, and other impervious areas	40%
<b>Maximum Floor Area Ratio</b>	
Commercial	0.4
<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	Behind main building
Side yard	5 ft.
Side yard for corner cul-de-sac	5 ft.
Rear yard	5 ft.

**Sec. 15-194. Site requirements/development standards.**

The following minimal design criteria must be met:

- A. *Size limitations.* No RPUD may encompass less than 20 gross acres of contiguous land. RPUDs must have an approved conceptual plan. For RPUDs of more than 100 acres, a plan for phasing must be approved by the planning commission with a tentative plat. Senior congregate care uses are only permitted on lots of 10 or more acres.
- B. *Commercial.* The area devoted to commercial uses may not be more than one acre per 250 dwelling units. Landscaping for commercial buildings is required in accordance with article 24.

- C. *Perimeter buffer strip.* A buffer strip of natural or supplemental woody vegetation at least 35 feet wide must be provided along any adjacent non-RPUD property. The perimeter buffer cannot be part of the open space calculation except as provided in Sec. 15-194.D.1. Utilities and roads should generally run perpendicular to the buffer.
- D. *Common area.* The area in rights-of-way, parking areas (except for parking areas associated with open space amenities), residential lots, and existing or proposed trunk utility line rights-of-way are not included in the required common area. The acceptable area in lakes and ponds cannot exceed 50% of the required common area. The acceptable area in floodplains cannot exceed 25% of the required common area. The zoning administrator may negotiate and determine compliance with the spirit and intent of the common area regulations but cannot reduce the required amount of common area.
  - (1) RPUD developments built in compliance with a conceptual plan approved before January 1, 2020, require at least 30% of the gross land area be common area, which may include the perimeter buffer.
  - (2) Developments zoned RPUD after January 1, 2020 require at least 25% of the gross land area be common area and cannot include the required perimeter buffer areas.
- E. *Streets.* All streets must be constructed in compliance with Virginia Department of Transportation subdivision road standards. All rights-of-way must be at least 40-feet wide.
- F. *Sidewalks.* Sidewalks, built in compliance with Virginia Department of Transportation standards, are required on at least one side of all roadways, except for cul-de-sac roads that are less than 150 feet long or serve fewer than eight lots.
- G. *Utilities.* Property must be served by public water and sewer. Utilities must meet county standards and requirements. All onsite utilities serving the RPUD, including sanitary sewer, water, electrical transmission lines and telephone lines, must be public and constructed underground.

**Sec. 15-195. Homeowners' association (HOA) or property owners' association (POA).**

A. All common property must be deeded to a HOA or POA. The developer must, when filing its application for plat approval, also file a declaration of covenants and restrictions that will govern the HOA or POA. The declaration must be in a form approved by the County Attorney.

B. The HOA or POA must be legally created, including bylaws, covenants and restrictions, and articles of incorporation, prior to the sale of any lot, dwelling unit, or other structure.

C. All covenants and restrictions must be permanent, run with the land, and include the following provisions:

- (1) The HOA or POA must be responsible for liability insurance, local property taxes, and the maintenance of all streets, open space, and other commonly owned land and facilities.
- (2) Homeowners must pay their pro rata share of the cost through an HOA or POA assessment which must, if unpaid, become a lien on each homeowner's property.
- (3) The HOA or POA must be able to adjust assessments to meet changing needs.
- (4) The HOA or POA must be organized as a nonprofit corporation.

**Secs. 15-196—15-200. Reserved.**



**ARTICLE 13. RESIDENTIAL, MANUFACTURED HOME PARK, DISTRICT R-MH**

**Sec. 15-201. Statement of intent.**

This district is intended to ensure the interdependence and compatibility of proposed manufactured home developments with central utilities and surrounding land uses.

**Sec. 15-202. Establishing or expanding manufactured home parks.**

*Permitted locations.* New manufactured home parks and expansion of existing manufactured home parks is permitted only in R-MH districts.

A master plan must be submitted with each rezoning application. Plans must be drawn to a scale of not less than 1 inch: 200 feet. The master plan must include access, manufactured home spaces, parking, buffers, setbacks from existing adjacent uses, recreational areas, mail facilities, and other features. The plan must also identify soil conditions and drainage.

**Sec. 15-203. District standards.**

Minimum lot size	15 ac.
Minimum lot frontage (must be on a paved public road)	200 ft.
Minimum setback for all structures	150 ft.
Maximum density	6 units per acre
Minimum recreational area (passive and active recreation)	10% of total area

**Sec. 15-204. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Clubhouse; recreational facility; laundry facility; other community structure	P
Commercial vehicle parking in accordance with Sec. 15-285.C	P
Home occupation in accordance with Sec. 15-285.E	P
Manufactured home	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P

(Ord. No. 5703, § 10, 5-2-23)

**Sec. 15-205. Standards for manufactured home spaces.**

A. Every manufactured home space must have an area of not less than 5,000 square feet, a minimum width at all points of 50 feet, and all corners clearly marked.

B. Each manufactured home space must be directly accessible from an approved internal park street. No direct access to manufactured home spaces from public streets is allowed.

C. Manufactured homes must be separated from each other by at least 20 feet end-to-end and 25 feet side-to-side. The minimum distance between manufactured homes located on opposite sides of an internal street is 50 feet.

D. Each manufactured home space must have a concrete patio of at least 100 square feet located convenient to the entrance of the home. An awning may be placed over the patio, but no structure may be placed thereon, but this requirement may be modified or waived in consideration of special design alternatives proposed by park developers.

E. Front or rear porches, independently supported, may be erected.

F. Each manufactured home space must have closed, watertight, weatherproof exterior storage facilities of not less than 80 square feet. No storage will be permitted on the mobile home space other than in closed storage facilities or in completely skirted and closed spaces beneath the home.

G. Parking must be provided in accordance with residential parking standards and must be conveniently located to the spaces for which it is provided.

#### **Sec. 15-206. Streets.**

Streets must be privately owned, constructed, and maintained. Access must be provided to each manufactured home space. Each street must be continuous, be at least 30 feet wide, have a good base and an all-weather gravel surface at least 20 feet wide, and be designed and maintained to support loads of 75,000 pounds.

#### **Sec. 15-207. Screening and landscaping.**

A. All manufactured home parks located adjacent to industrial or commercial uses must provide a screening buffer, at least 10 feet wide along the property lines between the park and those uses. The screening must be a solid fence at least 10 feet high or evergreen vegetation of sufficient density to accomplish the purposes of a solid fence. The screening must be maintained in good condition.

B. Setbacks must be appropriately landscaped and planted to provide a pleasing appearance to surrounding property. Ground cover in the form of grass or other vegetation must be provided throughout the manufactured home park to provide pleasant and, insofar as practicable, dust-free conditions.

#### **Sec. 15-208 Development standards.**

A. *Electrical installation.* All electrical installations external to manufactured homes must meet the requirements of the Virginia Uniform Statewide Building Code, and local power company regulations. Each manufactured home space must be provided with electrical service. New manufactured home parks or additions to existing parks must provide underground connections to each space.

B. *Plumbing installation.* All plumbing external to manufactured homes must be installed in accordance with the Virginia Uniform Statewide Building Code.

C. *Gas installation.* All natural or liquefied petroleum gas installation must be installed in accordance with the Virginia Uniform Statewide Building Code.

D. *Fuel oil systems.*

- (1) All fuel oil supply systems provided for manufactured homes, service buildings, and other structures must be properly installed and maintained.
- (2) All piping from outside fuel storage tanks or cylinders to manufactured homes must be properly installed and securely fastened in place.
- (3) All fuel storage tanks or cylinders must be securely fastened in place, and be not located inside or beneath the manufactured home or closer than five feet to any of the homes.
- (4) Fuel storage tanks located in areas which are easily susceptible to physical damage must be protected with an approved barricade.

E. *Building.* All manufactured homes must meet the provisions of the Virginia Residential Code, Appendix E. All other buildings constructed in the park must be constructed in accordance with the Virginia Uniform Statewide Building Code.

F. All manufactured home parks must be equipped with fire protection equipment as required by the Virginia Uniform Statewide Building Code and the Goochland County Fire Prevention Code.

- (1) The manufactured home park must be kept free of litter, rubbish, and other flammable materials. No flammable materials may be stored in or under any manufactured homes.
- (2) Portable fire extinguishers of an approved type must be kept in service buildings and at all other appropriate locations and must be maintained in good operating condition.
- (3) For a public water system with a water main of six inches or larger, standard fire hydrants must be located within 300 feet of each manufactured home or service building.

G. *Water supply and sewage disposal.*

- (1) An adequate and safe supply of water under pressure must be supplied to each manufactured home. The supply source may be public or an individual well located and constructed to meet the standards of the state health department.
- (2) Each manufactured home space must be provided a sewer connection with a suitable fitting so that a watertight connection can be closed when not linked to a home.
- (3) All private water lines and sewer lines must be constructed in accordance with the Virginia Uniform Statewide Building Code, and in accordance with state health department requirements.
- (4) All sewage disposal apparatus and appurtenances must be provided, maintained, and operated so as not to create a nuisance or health hazard.

H. *Refuse.*

- (1) Refuse storage, collection, and disposal must be managed to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution.
- (2) All refuse must be stored in fly-tight, watertight, rodent-proof containers, which must be located within 150 feet of every manufactured home space. Containers must be provided in sufficient number and capacity to prevent overflowing refuse.
- (3) All refuse must be collected at least twice weekly.

I. *Insect and rodent control.*

- (1) Grounds, buildings, and structures must be maintained free of vermin and rodent harborage and infestation.
- (2) Manufactured home parks must be maintained free of debris accumulations which provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (3) Storage areas must be maintained to prevent rodent harborage. Lumber, pipe and other building materials must be stored at least four inches above ground.
- (4) Where the potential for rodent or vermin infestation exists, all exterior openings in or beneath any structure must be appropriately screened with wire mesh or other suitable materials.
- (5) The growth of brush, weeds, and grass must be controlled. Manufactured home parks must be maintained to prevent the growth of noxious weeds considered detrimental to health. Open areas must be maintained free of all heavy undergrowth.

*J. Laundry facilities and drying yards.*

- (1) Laundry facilities must be provided either individually at each manufactured home space, in a centralized common facility, in decentralized common facilities, or in a combination of these. Where provided, individual facilities appropriate for local use as to type, design and construction are acceptable, as follows:
  - (i) Umbrella-type lines in permanent sockets
  - (ii) Retractable drying lines
  - (iii) Other comparable unobtrusive facilities
- (2) Where centralized provisions for washers, dryers, or common drying yards are provided, they must be conveniently located to the manufactured home spaces. Outdoor drying yards must be adequate for the number of living units. All drying yards must be completely screened from view of all manufactured homes and public streets.

**Secs. 15-209—15-210. Reserved.**

**ARTICLE 14. MIXED PLANNED UNIT DEVELOPMENT, DISTRICT MPUD****Sec. 15-211. Statement of intent.**

This district is intended to provide a mixture of retail, retail service, office, civic, and residential uses within a single zoning district. The district facilitates more productive and efficient use of land by allowing a range of land uses at various densities and with flexible application of development regulations.

District regulations require a detailed master plan reflecting cohesive and well-organized development, creative design, and more integrated land use patterns than generally achievable with other district types. In addition, district regulations require interconnectivity, walkability, useable open space, impact mitigation to the surrounding community, and high quality.

Planned and designed as a unified project, individual site plans and plats must demonstrate consistency with the master plan and the multi-family residential and mixed-use design standards. District regulations allow consideration of regulatory flexibility for uses and design elements that can be proven to enhance the overall project.

This type of development requires sufficient infrastructure to support it, including roads, public facilities, and public utilities. Accordingly, the district is located only in the area identified in the comprehensive plan as Centerville Village core, which includes properties generally bounded by the following area: east of Manakin Road between Saddlecreek Parkway and Tuckahoe Creek; south of Tuckahoe Creek between Manakin Road and the western boundary of Wingmead; west and south of Wingmead between Tuckahoe Creek and St Mathews Lane; west of St Mathews Lane between the southern limits of Wingmead and the southern limits of the Centerville Business Park; south of the Centerville Business Park between St Mathews Lane and Ashland Road; west side of Ashland Road between the southern edge of the Centerville Business Park and Broad Street Road; south of Broad Street Road between Ashland Road and approximately 780 feet west of Ashland Road; west along property line between Tax Parcels 58-12-0-A-0 and 47-1-0-91-D to the northern edge of Hickory Haven; north of Hickory Haven between previously noted property lines and Hockett Road; west of Hockett Road between the southern limits of Hickory Haven and Parke at Saddlecreek; north of Saddle Creek and Tax Parcels 58-23-0-6-0 and 58-23-0-1-0 between Hockett Road and Park at Saddlecreek; and east and north of the Park at Saddlecreek limits from the previous line to Manakin Road.

**Sec. 15-212. Application process.**

This district requires a rezoning to MPUD and a conditional use permit. The application must include all plans, maps, studies, and reports required by the community development department. The CUP application must include:

- A. The application must include a master plan prepared by a licensed surveyor, engineer, architect, landscape architect, or certified planner. The master plan must include a combination of documents detailing the proposed development, including schematic site plans, architectural pattern books, and textual design guidelines and it must demonstrate compliance with the requirements of this article and Sec. 15-284. The master plan will guide the general location and design of all project elements, including but not limited to, land uses; densities; roads; open space; design, location, and size of signage; lighting; sidewalks; and other features.
- B. Required details and information, including, but not limited to, land uses, densities, roads, common areas, signage, and other features.

**Sec. 15-213. Application requirements.**

The following requirements apply to each application requesting MPUD:

- A. *Contiguity required.* The parcel(s) must be contiguous and lend themselves to being improved to benefit the county with minimal adverse effect upon surrounding properties.
- B. *Minimum size.* The property must be at least 20 gross acres.
- C. *Location.* MPUD is only available in areas identified as Centerville village core in the comprehensive plan.
- D. *Public water/sewer.* The property must be developed with public water and public sewer.
- E. *Design standards.* Multi-family residential and mixed-use design standards found in Sec. 15-284 apply to all development.
- F. *MPUD district prevails.* In case of a conflict between general zoning ordinance provisions and specific provisions for a MPUD district, this article takes precedence.

**Sec. 15-214. Uses and structures permitted by right.**

No uses are permitted by right provided that where uses are permitted by a conditional use, a solar energy facility, accessory, in accordance with Sec. 15-289.B is permitted. (Ord. No. 5703, § 11, 5-2-23)

**Sec. 15-215. Specific conditional use permits.**

The following uses may be permitted in the MPUD district through conditional use permits; however, no use is permitted except in compliance with uses specifically included in the master plan.

Principal Uses and Structures	P or CUP
Dwelling, single-family	CUP
Multiple-family dwelling, two-family dwelling, three-family dwelling; apartment; condominium; townhouse	CUP
Lodge; club; country club; golf course	CUP
Uses and structures permitted by right and conditional uses permitted in the Business, Neighborhood District	CUP
Other uses not listed, but which are appropriate and compatible with the proposed development and surrounding uses, if they are specifically approved in the master plan.	CUP

**Sec. 15-216. Other conditional use permits.**

The board of supervisors may, through conditional use permit, modify any requirement in Sec. 15-218 through Sec. 15-220 of this article. Each request for a modification must be approved by the board and made a part of the master plan. The conditional use permits may be subject to conditions to ensure compatibility with surrounding land uses and to carry out the general intent of the MPUD district.

**Sec. 15-217. Supplement to multi-family residential and mixed-use design standards.**

In addition to requirements in the multi-family residential and mixed-use design standards in Sec. 15-284, the master plan must include the following:

- A. *Existing facilities and encumbrances.* Location of existing boundaries, structures, public and private roads, utilities and other easements, and adjacent uses.

- B. *Proposed development.* Conceptual location and footprint of proposed development, including structures, types of uses, access drives, drainage facilities, etc. and the following:
  - (1) Maximum number and location of dwelling units, and density, by type.
  - (2) Proposed square footage of office, commercial, and multifamily residential buildings.
  - (3) Proposed lot lines, lot widths, and setbacks for all structures.
  - (4) Site/building coverage ratios.
  - (5) Other information deemed pertinent by the community development department.
- C. *Narrative.* Written narrative explaining in detail the proposal and justifying the project location.
- D. *Phasing.* Schematic plans identifying the development's phasing.
- E. *Amenities.* Location of proposed recreational areas, sidewalks, and other bike/pedestrian pathways.
- F. *Environmental.* Location of ponds, streams, and natural drainage swales, dam inundation zones, and 100-year floodplains.
- G. *Architectural standards.* Development must complement and enhance the best characteristics of the surrounding community. A variety of architectural features and building materials must be utilized to provide a unique character for the development, while maintaining compatibility with the surrounding area's architecture. Architectural renderings must be provided in the master plan. Renderings must include the features, materials, and the articulation of the facade for all sides of the buildings.
- H. *Landscaping/buffers.* The district must be well landscaped; a park-like atmosphere is encouraged. The overall composition and location of landscaping must complement the scale of the development.
- I. *Streetscape buffers.* Streetscape buffers may also contain sidewalks, utility easements, and signs. Any best management structures must be designed to serve as an attractive amenity.
- J. *Interconnectivity and transportation.*
  - (1) *Interconnectivity.* Access and circulation must be designed to provide safe accommodation of multiple users of the transportation network, including pedestrians and bicyclists. Sidewalks, bicycle lanes, and multi-use trails must be provided where appropriate. Intersections in the internal road system, with adjacent properties, and with existing public roads must be provided to the extent necessary for reasonable access and service to uses located within the development.
  - (2) *Transportation.* The transportation system should generally be in the form of a grid of interconnected streets and paths, and alleys, if applicable. The master plan must show the approximate location of proposed streets and rights-of-way and indicate if they are public or private. A typical street section for each proposed street type must be provided.

#### **Sec. 15-218. Site development regulations.**

The MPUD district is created as a separate district exclusive of other districts contained in the zoning ordinance. Densities, heights, building massing, yards, setbacks, buffers, parking, signage, landscaping, fencing, and other development requirements must be specified in the master plan, and

those specifications will form the zoning requirements for the district. Development standards not identified in the master plan or by proffer will be in accordance with the applicable subdivision, zoning, and other code provisions.

- A. *Yards.* Except as specified herein, lot size, lot width, yards, and setbacks must be specified in the master plan.
- B. *Perimeter setbacks.* All structures located on the outer perimeter of the district must conform to the setback and yard regulations of the adjoining district.
- C. *Floor area ratio (FAR).* FAR calculations exclude single-family dwellings each on their own lot.
  - (1) The maximum FAR for the entire project cannot exceed 0.75, including any allowable combination of residential, commercial, office, or civic uses.
  - (2) A lot cannot exceed a FAR of 0.5.
- D. *Impervious cover.* Impervious cover must be established in the master plan and cannot exceed 70%.
- E. *Access.* No individual lot or parcel can have direct access to an arterial road.
- F. *Residential setback.* No residential lot can be located within 500 feet of an arterial road.
- G. *Residential density.* The gross residential density cannot exceed six units per acre. Area used to calculate gross residential density cannot include floodplain and existing public right-of-way.
- H. *Height limit.* No building can exceed 45 feet in height.
- I. *Surety.* The applicant must provide bonds, dedications, guarantees, agreements, and deed restrictions in accordance with plan of development and subdivision ordinance requirements.

#### **Sec. 15-219. Land use ratios.**

The MPUD district will provide a mixture of land uses such as retail, retail service, office, civic, and residential. Furthermore, the MPUD district must provide at least two different styles of residential uses, such as single-family, townhouse, apartment, or condominium.

For purposes of the MPUD district, "net developable area" means the gross acreage minus those areas in floodplains, wetlands, slopes of 25% or greater, and existing and proposed rights-of-way.

- A. No more than 50% of the net developable area can be developed for residential use.
- B. At least 30% of the net developable area must be used for new commercial development. Existing commercially developed land cannot be included in the commercial ratio calculation. When commercial uses are mixed with residential uses within the same structure, a proportional area of commercial use may be included as commercial acreage.
- C. Except as modified in Sec. 15-221, at least 20% of net developable area must be common open space.

#### **Sec. 15-220. Common open space.**

Common open space for the use and enjoyment of residents and visitors must be clearly delineated in the master plan. Common open space cannot include rights-of-way, parking areas, driveways, and required buffer areas. No more than 50% of the required common open space can be floodplain, wetland, slopes of 25% or greater, or similar environmentally sensitive areas.

Between 10%-50% of the total common open space shall be designated for active recreation and recreational facilities.

Common open space must be reasonably dispersed throughout the site, and connected by sidewalks, pathways, or trails. Common open space areas must be designed and located to maximize public accessibility and create visual connections between spaces. They may contain features and amenities which encourage safe public use, such as bandstands, pavilions, gazebos, benches, tables, and playgrounds.

**Sec. 15-221. Revisions to approved master plan.**

Following establishment of the MPUD district and approval of the CUP and master plan, a subdivision plat or plans of development (PODs) may be submitted for any area shown on the master plan. Plats and PODs must be in substantial conformity with the approved master plan.

- A. Major revisions to the approved master plan require a rezoning and CUP amendment. Major revisions include, but are not limited to, changes such as:
  - (1) Any increase in the residential density;
  - (2) Substantial change in traffic circulation or access;
  - (3) Substantial change in the mixture of dwelling unit types;
  - (4) Substantial change in grading or utility provisions;
  - (5) Substantial change in the mixture of land uses or a decrease in the amount of land devoted to commercial and office use;
  - (6) Reduction in the approved open space, landscaping, or buffering;
  - (7) Substantial change in architectural or site design features;
  - (8) Any other change the zoning administrator determines to be a major revision.
- B. All other changes to the master plan are considered minor amendments. The zoning administrator, upon receipt of a written request, may approve minor amendments.
  - (1) If the zoning administrator fails to act on a request for a minor amendment to the master plan within 30 calendar days of a request which contains all required information to evaluate, the request will be considered approved.
  - (2) When a request is denied by the zoning administrator, the requestor may seek a rezoning and/or CUP amendment for the request.

**Secs. 15-222—15-230. Reserved.**



**ARTICLE 15. BUSINESS, NEIGHBORHOOD, DISTRICT B-N**

**Sec. 15-231. Statement of intent.**

This district is intended to provide a limited range of commercial uses needed to meet the daily convenience shopping and service needs of residents of a neighborhood or small community. It is a district wherein all articles for sale, rent, display, and storage are kept within an enclosed building. The manufacture, compounding, processing, or treatment of products is prohibited. In addition, this district is designed to exclude uses, operations, and products which are objectionable because of odor, dust, smoke, noise, vibration, or other causes. In particular, uses which include the sale, repair, service, maintenance, or storage of motor vehicles and accessories thereto are prohibited in this district.

This district can serve as a transitional use between residential and more intense commercial districts. It is typically designated on the comprehensive plan as commercial or flexible.

**Sec. 15-232. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Adult day care center	P
Bed and breakfast in accordance with Sec. 15-285.G	P
Child care center in accordance with Sec. 15-283.C	P
Club; lodge	CUP
Drive-thru in accordance with Sec. 15-283.D	CUP
Financial institution; bank	P
Government services	P
Housing, ground level-temporary, operated by nonprofit group	P
Housing, second story, not to exceed 50% of the total building area	CUP
Office, professional; office, medical	P
Personal services	P
Repair services such as computers, home appliances, and television repair	P
Restaurant, drive-in/takeout	CUP
Restaurant, sit-down	P
Retail trade establishment which serves the needs of the neighborhood	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
Temporary trailer in accordance with Sec. 15-287	P
Utility distribution facility, public, and all accompanying appurtenances and structures	P
Utility - gas transmission line, compressor station, measurement station, regulator station	CUP
Utility generating station; transmission substation; transmission line, other than normal distribution facility	CUP
Veterinary hospital	CUP

(Ord. No. 5703, § 12, 5-2-23)

**Sec. 15-233. District standards.**

<b>Principal Structure</b>	
<b>General Requirements</b>	
Minimum lot area if served by both public or central water and sewage systems	None
Minimum lot area if served by one public utility or individual water and sewerage systems	1 ac.
Minimum lot frontage on primary or secondary roads	100 ft.
Minimum lot frontage on all other roads	None
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	55 ft.
Side yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district, with landscaping in accordance with Sec. 15-375	30 ft.
Corner lot	20 ft.
Rear yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district, with landscaping in accordance with Sec. 15-375	30 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	55 ft.
Side yard	5 ft.
Side yard corner lot	20 ft.
Rear yard	5 ft.
<b>Maximum Height*</b>	
Accessory structure	Less than main building height
Accessory structure within 10 ft. of lot line	10 ft.
*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

(Ord. No. 6160, § 1, 9-3-24)

**Sec. 15-234. Conduct of operations.**

No commercial or retail outside display or storage is permitted. No public address system, or devices for reproducing or amplifying voices or music, may be mounted outside or be audible beyond the property line on which the building is situated.

**Secs. 15-235—15-240. Reserved.**

**ARTICLE 16. BUSINESS, GENERAL, DISTRICT B-1**

**Sec. 15-241. Statement of intent.**

This district is intended for general business activities such as retail, retail service, office, and office/warehouse, to which the public requires direct and frequent access. The manufacture, compounding, processing, or treatment of products is prohibited, unless it is clearly incidental and essential to a use permitted by right, and unless the products are customarily sold at retail on the premises. This district is typically designated on the comprehensive plan as commercial, flexible, office, or prime economic development areas.

**Sec. 15-242. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>General - Commercial and office</b>	Adult business in accordance with Sec. 15-283.A	CUP
	Animal boarding; kennel-commercial, kennel-private	CUP
	Auction house	P
	Automobile repair	CUP
	Automobile sales or rental; motor vehicle, watercraft, motorcycle, and commercial and industrial truck sales; service of these vehicle types within an enclosed building	CUP
	Barber shop; beauty shop	P
	Bed and breakfast	P
	Bicycle sales and repair shop	P
	Carwash (primary or accessory use)	CUP
	Convenience store	P
	Dance school; music or martial arts instruction	P
	Drive-thru in accordance with Sec. 15-283.D	P
	Drycleaner; laundromat	P
	Farm equipment sales and services	CUP
	Financial institution; bank	P
	Funeral home	P
	Gas station	P
	Hotel; motel	P
	Medical clinic	P
	Office, professional; office, medical	P
	Packing and mailing services	P
	Personal services	P
	Pharmacy; drugstore	P
	Recreation vehicle, motor home, travel trailer, and camper sales	CUP
	Repair services such as computers, home appliance, and television repair	P
	Retail store	P
	Self-storage, mini-warehouse facility	CUP
	Shopping center in accordance with Section 15-283.G	P
Studio and shop for artists, teachers, and other craftsman, with floor area not exceeding 3,000 square feet	P	
Temporary trailer in accordance with Sec. 15-287	P	
Veterinary hospital	CUP	

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
<b>Food/Beverage</b>	Bakery	P
	Bar; nightclub	CUP
	Brewpub	P
	Brewery; distillery	P
	Catering; meal delivery	P
	Farm stand; other food vendor	P
	Farmers market	P
	Restaurant, including drive-thrus in accordance with Sec. 15-283.D	P
<b>Recreation</b>	Club; lodge	P
	Golf course; golf driving range; miniature golf course; country club; similar recreation	P
	Gun club with indoor shooting range	CUP
	Recreation facility, indoor, including billiard, bowling alley, skating rink, swimming pool, tennis court, electronic video game room, bingo hall, archery range, and similar forms of public amusement	CUP
	Theater, indoor	P
	Theater, outdoor	CUP
<b>Public/Institutional</b>	Adult day care center	CUP
	Broadcasting studio	CUP
	Child care center in accordance with Sec. 15-283.C	P
	College; university	P
	Convention hall; conference center	P
	Fire and rescue station	P
	Government services	P
	Hospital	CUP
	Library	P
	Nursing home; assisted living facility	P
	Park and ride lot	P
	School	CUP
Worship uses	P	
<b>Light Industrial</b>	Lumber, building, fencing and landscaping supply and equipment, in accordance with Sec. 15-283.B	P
	Machinery sales and service	P
	Petroleum storage	CUP
	Plumbing and electrical supply (with storage under cover)	P
	Wholesale warehouse	CUP
<b>Utilities</b>	Gas transmission line; compressor station; measurement station; regulator station	CUP
	Small cell facility in accordance with Sec. 15-288.A	P
	Small cell facility in accordance with Sec. 15-288.A	P
	Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
	Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
	Utility distribution facility, public, and all accompanying appurtenances and structures	P

	<b>Principal Uses and Structures</b>	<b>P or CUP</b>
	Utility generating station; transmission substation; transmission line, other than normal distribution facility	CUP

(Ord. No. 5703, § 13, 5-2-23)

**Sec. 15-243. District standards.**

<b>Principal Structure</b>	
<b>General Requirements</b>	
Minimum lot area for those served by public water and sewer	None
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	55 ft.
Side yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district with landscaping in accordance with Sec. 15-375	30 ft.
Corner lot	20 ft.
Rear yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district with landscaping in accordance with Sec. 15-375	30 ft.
<b>Maximum Height*</b>	
Structures	35 ft.
Maximum height for business structures may be increased up to 60 feet from grade provided that there are two side yards for each permitted use, and each side yard is 10 feet or more, plus one foot of side yard for each additional foot of building height over 35 feet.	
*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front Yard	55 ft.
Side Yard	5 ft.
Side Yard Corner Lot	20 ft.
Rear Yard	5 ft.
<b>Maximum Height*</b>	
Accessory structure	Less than main building height
Accessory structure within 10 ft. of lot line	15 ft.
*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

(Ord. No. 6160, § 2, 9-3-24)

**Secs. 15-244—15-250. Reserved.**



**ARTICLE 17. INTERCHANGE COMMERCIAL, DISTRICT B-3**

**Sec. 15-251. Statement of intent.**

This district is intended to provide for general commercial activity in areas of close proximity to interchanges of Interstate 64 and State Route 288, in the Centerville area and Oilville area but not the West Creek area. This district is intended to meet the local and regional commercial needs at high intensity and also allows additional height for buildings. This district is characterized by uses such as hotels, motels, restaurants, and conference centers as well as those uses permitted in the B-1 district. The district is designed to exclude manufacturing, compounding, processing, or treatment of products and operations which are objectionable because of odor, dust, smoke, noise, vibration, or other nuisances.

**Sec. 15-252. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
All permitted uses in B-1 district	P
Bar; nightclub	CUP
Carwash, principal or accessory use	CUP
Hospital	CUP
Small cell facility in accordance with Sec. 15-288.A	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
Travel plaza/truck stop	CUP
Motor vehicle sales and service	CUP
Utility - gas transmission line, compressor station, measurement station, regulator station	CUP
Utility - transmission substation, transmission line	CUP

(Ord. No. 5703, § 14, 5-2-23)

**Sec. 15-253. District standards.**

<b>Principal Structure</b>	
<b>General Requirements</b>	
Minimum lot area	None
Minimum lot frontage on primary or secondary roads	100 ft.
<b>Minimum Yard Setbacks (measured from property line)</b>	
Front yard	55 ft.
Side yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district, with landscaping in accordance with Sec. 15-375	30 ft.
Side yard corner lot	20 ft.
Rear yard	
Adjacent to a business, office, or industrial district	10 ft.
Adjacent to any other district, with landscaping in accordance with Sec. 15-375	30 ft.
<b>Maximum Height*</b>	
Structures	100 ft.

\*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.

**Accessory Structure**

**Minimum Yard Setbacks (measured from property line)**

Front yard	55 ft.
Side yard	5 ft.
Side yard corner lot	5 ft.
Rear yard	5 ft.

**Maximum Height\***

Accessory structure	Less than main building height
Accessory structure within 10 ft. of any lot line	15 ft.

\*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.

(Ord. No. 6160, § 3, 9-3-24)

**Secs. 15-254—15-260. Reserved.**

**ARTICLE 18. INDUSTRIAL, LIMITED, DISTRICT M-1**

**Sec. 15-261. Statement of intent.**

This district is intended to permit certain industries, ones which do not in any way detract from residential desirability, to locate adjacent to residential uses. This district allows lower impact industrial uses with limited outside storage to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply. This district generally corresponds to areas on the comprehensive plan designated for industrial, prime economic development, and flexible.

**Sec. 15-262. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Airport	CUP
Animal grooming	P
Animal shelter	P
Art studio, school, or gallery	P
Assembly of electrical appliances, electronic and telecommunication instruments and devices, radios and phonographs; manufacture of small parts, such as semiconductors and other electronic and telecommunication components and devices.	P
Athletic field	CUP
Auction facility	P
Automobile rental in accordance with Sec. 15-286.A	P
Automobile storage lot in accordance with Sec. 15-286.B	P
Automobile (less than 7,500 lbs. registered gross weight) repair wholly within an enclosed building	CUP
Brewery; cidery; distillery; winery	P
Cabinetmaking, furniture and upholstery shop	P
Car wash	CUP
Catering; commercial kitchen	P
Dance school; music or martial arts instruction	P
Data center	P
Distribution center with an access connection to a principal arterial or minor arterial as described in Sec. 15-342	P
Distribution center without an access connection to a principal arterial or minor arterial as described in Sec. 15-342	CUP
Drive-thru in accordance with Sec. 15-283.D	P
Electric vehicle charging station	P
Energy storage facility	CUP
Feed and seed store	P
Gas station	P
Government maintenance or storage facility	P
Health club; fitness center and gymnasium; training facility	P
Kennel-commercial; kennel-private	CUP
Laboratory, pharmaceutical or medical	P
Manufacture, assembly, or fabrication, light	P
Manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, food products, perfumes, pharmaceuticals, and toiletries	P

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Metal products assembly, cutting, and fabrication	CUP
Monumental stone works	P
Office, professional; office, medical	P
Outdoor storage	CUP
Planned development park as described in Sec. 15-263	P/CUP
Public assembly uses with an occupancy of 1,500 or less, if located within an industrial park served by public water and sewer	P
Public assembly uses with an occupancy of greater than 1,500 located within an industrial park served by public water and sewer; public assembly uses of any size located in an industrial park not served by public water and sewer	CUP
Printing or other similar reproduction facility	P
Public utility facility	P
Restaurant, including drive-thrus in accordance with Sec. 15-283.D	P
Retail sales	P
Sale of motor vehicles, trailers, equipment, and tools, in accordance with Sec. 15-286.E	P
Small cell facility in accordance with Sec. 15-288.A	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
Solar energy facility, supplementary, in accordance with Sec. 15-289.C	CUP
Taxi service; limousine service	P
Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
Temporary trailer in accordance with Sec. 15-287	P
Veterinary hospital	P
Wind turbine, small, in accordance with Sec. 15-289.A	CUP
Wholesale business, store, or warehouse	P

(Ord. No. 3875, § 1, 2-2-21; Ord. No. 4108, § 1, 6-1-21; Ord. No. 5703, § 15, 5-2-23; Ord. No. 5970, § 3, 7-2-24)

**Sec. 15-263. Planned development park.**

Properties rezoned to planned development park prior to December 31, 2004, with a minimum of 150 contiguous acres and served by public water and sewer systems, are allowed the following additional permitted uses: any use permitted by right in the B-1 and B-3 districts, and apartments and condominiums, as regulated below in subsections A and B, and by the multi-family residential development design standards (Section 15-284), In addition, any conditional uses allowed in B-1, B-3, and M-1 districts may be permitted through conditional use permits; provided, however, that B-3 uses are not allowed within ½ mile radius of interchanges along Patterson Avenue. The planning commission must review and approve conceptual master plans prior to issuance of any building permits. An existing planned development park may add contiguous parcels to its boundary through an approved zoning application identifying the parcels for inclusion into the park.

- A. *Density.* Density for apartments and condominiums cannot exceed 19 units per acre.
- B. *Maximum acreage.* No more than 60 acres in the aggregate can be developed for apartments or condominiums within any planned development park.

**Sec. 15-264. District standards.**

<b>Principal Structure</b>	
<b>General Requirements</b>	
Minimum lot area if individual sewerage systems	None
Maximum impervious surface coverage	70%
Maximum FAR for multifamily uses as permitted in Section 15-263 for planned development parks	0.65
Minimum frontage for corner lots	100 ft.
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard - main or accessory structures	
Routes 6, 250, 45, and 522	100 ft.
Secondary roads	75 ft.
Local/project roads	20 ft.
Corner lot	100 ft.
Side yard	
Adjoining or adjacent to B-N, B-1, B-3, M-1, or M-2	10 ft.
Adjoining or adjacent to any other district with landscaping in accordance with Section 15-375	30 ft.
Corner lot	20 ft.
Rear yard	
Adjoining or adjacent to B-1, B-N, M-1, or M-2	10 ft.
Adjoining or adjacent to any other district with landscaping in accordance with Section 15-375	30 ft.
<b>Maximum Height*</b>	
Structures	60 ft.
Structures with a fire sprinkler system if buildings are at least 500 ft. from any zoning district other than M-1, M-2 or MPUD. (Buildings exceeding 60 ft. in height and within 500 ft. of any residential zoning district or any boundary line of the county that exclusively adjoins residential zoning districts are permitted with a conditional use permit.)	80 ft.
*Exceptions to the height requirement include: Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard	
Routes 6, 250, 45, and 522	100 ft.
Secondary roads	75 ft.
Local/project roads	20 ft.
Side yard	5 ft.
Corner lot cul-de-sac	35 ft.
Rear yard	5 ft.

(Ord. No. 6160, § 4, 9-3-24)

**Sec. 15-265. Outside storage.**

Principal permitted uses should be conducted wholly within a completely enclosed building. Outside storage is only permitted with a conditional use permit.

**Secs. 15-266—15-270. Reserved.**



**ARTICLE 19. INDUSTRIAL, GENERAL, DISTRICT M-2****Sec. 15-271. Statement of intent.**

This district is intended for heavy commercial and industrial operations, which may create some nuisance, and which are not properly associated with nor particularly compatible with residential, institutional, and neighborhood commercial service establishments. This district encourages the construction of and the continued use of the land for heavy commercial and industrial purposes. This district generally corresponds to areas on the comprehensive plan designated for industrial, prime economic development and flexible.

**Sec. 15-272. Uses and structures permitted by right (P) or by conditional use permit (CUP).**

<b>Principal Uses and Structures</b>	<b>P or CUP</b>
Airport	CUP
Any principal permitted use or structure in the Industrial, Limited (M-1) District	P
Asphalt mixing plant and/or concrete mixing plant	CUP
Building materials sales yard, plumbing supply storage	P
Car wash	CUP
Composting facility	CUP
Construction equipment storage yard or plant, or rental of equipment commonly used for construction	P
Debris landfill	CUP
Distribution center	P
Energy storage facility	CUP
Junk storage (screened)	P
Manufacture, assembly, or fabrication, heavy	P
Material recovery facility	CUP
Meat processing facility, limited, on property 5 acres or more, in accordance with Sec. 15-283.H	CUP
Petroleum storage	P
Public assembly uses with an occupancy greater than 1,500 located within an industrial park served by public water and sewer; public assembly uses of any size located within an industrial park not served by public water and sewer.	CUP
Sale, service, or rental of automobiles, trucks, trailers, tractors, machinery, heavy equipment and tools in accordance with Sec. 15-286.E	P
Sand and gravel pit; quarry; mining; all in accordance with Sec. 15-283.F	CUP
Sawmill, commercial	P
Solar energy facility, accessory, in accordance with Sec. 15-289.B	P
Solar energy facility, supplementary, in accordance with Sec. 15-289.C	CUP
Telecommunication tower; radio tower; both in accordance with Sec. 15-288.B	CUP
Truck terminal	P
Wildlife preserve; conservation area; woodland preserve; game preserve; arboretum	P
Wind turbine, small, in accordance with Sec. 15-289.A	CUP

(Ord. No. 3875, § 2, 2-2-21; Ord. No. 4108, § 2, 6-1-21; Ord. No. 5542, § 2, 12-6-22; Ord. No. 5703, § 16, 5-2-23)

**Sec. 15-273. District standards.**

<b>Principal Structure</b>	
<b>General Requirements</b>	
Minimum lot area if individual sewerage systems	None
Maximum impervious surface coverage	70%
Minimum frontage for corner lot	100 ft.
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard	
Routes 6, 250, 45, and 522	100 ft.
Secondary roads	75 ft.
Local/Project roads	20 ft.
Corner lot	100 ft.
Side yard	
Adjoining or adjacent to B-1, B-N, M-1, or M-2	10 ft.
Adjoining or adjacent to any other district with landscaping in accordance with Section 15-375	30 ft.
Corner lot	20 ft.
Rear Yard	
Adjoining or adjacent to B-N, B-1, B-3, M-1, or M-2	10 ft.
Adjoining or adjacent to any other district with landscaping in accordance with Section 15-375	30 ft.
<b>Maximum Height*</b>	
Structures without fire sprinkler system	60 ft.
Structures with a fire sprinkler system, if the building is at least 500 ft. from any zoning district other than M-1, M-2, or MPUD.	80 ft.
Structures that exceed the above limits or do not meet the above requirements	Conditional Use Permit
*Exceptions to the height requirement include: church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials. Parapet walls may rise up to six feet above the finished roof surface.	

<b>Accessory Structure</b>	
<b>Yard Requirements (setbacks are measured from property line)</b>	
Front yard setback	
Routes 6, 250, 45, and 522	100 ft.
Secondary roads	75 ft.
Local/Project roads	20 ft.
Side yard	5 ft.
Corner lot cul-de-sac	35 ft.
Rear yard	5 ft.

(Ord. No. 5573, § 1, 1-3-23; Ord. No. 6160, § 5, 9-3-24)

**Secs. 15-274—15-280. Reserved.**

**ARTICLE 20. USE STANDARDS****Sec. 15-281. Agricultural.****A. Biosolids routine storage facility**

- (1) This use is only allowed with a conditional use permit in the A-1 (Agriculture, General) district.
- (2) Routine storage facilities must meet or exceed current state standards.
- (3) Any conditional use permit for the routine storage of biosolids will terminate if the facility's state permit is terminated or revoked for any reason, including, but not limited to, violations, or change in ownership of the property.
- (4) Sites must be served by Virginia Department of Transportation approved commercial entrances from a state road. Each entrance must have signage. Prior to operating the facility, the operator must submit to the zoning administrator a sign package that meets the following criteria:
  - a. Signs must be a minimum of 3 feet by 5 feet 4 inches (8 square feet) and a maximum of 16 square feet total;
  - b. All lettering must be a minimum of 3 inches in height;
  - c. Signs must include the language "Biosolid Storage Facility Entrance" and the operator's contact name and phone number; and
  - d. Signs must be clearly and easily visible to traffic traveling in either direction on the state road.
- (5) Storage site cannot be located within a 100-year floodplain or within the dam break inundation zone of any state-regulated dam.
- (6) Truck cleaning facilities must be located adjacent to the storage site and must drain into the leachate collection system for the storage facility.
- (7) Setbacks are required from the perimeter of the storage facility, as follows:
  - a. *Residential use.* Perimeter of the facility must be at least 750 feet from the nearest residential use.
  - b. *Streams and wetlands.* Facility must be located at least 100 feet from any wetland or stream.
- (8) The volume of material stored in the facility is limited to the amount of material that can be land applied within the county during the calendar year, based upon the data furnished in the required annual report (Sec. 15-281.A.14).
- (9) Facilities must be enclosed by fencing at least five feet high, and site must be secured when there is no activity occurring.
- (10) Facilities must be constructed with a cover to prevent contact of stored material with precipitation.
- (11) Upon approval from the Virginia Department of Environmental Quality, but prior to construction, the applicant must transmit a copy of the approved routine storage facility permit to the county, including scaled drawings and elevations from a Virginia licensed professional engineer.

## (12) Information required for submittal:

- a. A conceptual plan, elevation view, and other supporting drawings, and calculations showing the location and dimensions of all improvements, including information concerning topography, zoning, site layout, setbacks, driveways, parking, fencing, facility storage volume, canopy/cover, and adjacent uses and adjacent buildings.
- b. A statement justifying the need for the project at the proposed location which must contain an inventory of existing facilities that are either within the county or within five miles of the county border, including for those facilities information about the location, ownership, operator, type of facility (dry or liquid), and capacity.
- c. Designation of primary and alternative hauling routes to the storage facility. These routes are required to minimize travel on local roads to the maximum extent possible.
- d. The applicant's signed statement describing efforts considered and taken to screen or camouflage the facility and reduce its visual impact. This statement should include, at a minimum, design, height, location, and landscaping alternatives.
- e. Proposed construction schedule and date on which facility is expected to begin operation.
- f. Certification from a Virginia licensed professional engineer that the design of the storage facility is in compliance with all applicable provisions of the Virginia Uniform Statewide Building Code.

(13) *Removal of abandoned routine storage facilities.* Any routine storage facility that is not operated for a continuous period of 24 months will be considered abandoned and must be removed unless permission to allow it to remain is requested and granted by the county. Removal of the storage facility includes removing the storage pad, underground storage facilities supporting use of the pad, and any support buildings.

(14) *Required annual report.* The owner of each routine storage facility is required to submit a report to the county once a year, no later than July 1. The report must include:

- a. The current user status of the storage facility;
- b. Report on tonnage stored at site during the year;
- c. A list of locations where material taken from the site was land applied and tonnage used at each site; and
- d. A list of sites available for operator's use for land application in the next year and quantity of material needed to service those sites.

**B. Farm stand**

- (1) Permitted as accessory to an agriculture use.
- (2) No more than one roadside stand per farm or other agricultural unit.
- (3) Sales are limited to agricultural products grown or produced on the property.
- (4) Cannot exceed 200 square feet.
- (5) Cannot be located within 25 feet of any right-of-way.
- (6) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

**C. Farmers' market**

- (1) Must ensure vendors have valid business licenses.

- (2) Must provide adequate ingress, egress, and off-street parking areas.
- (3) Must have established operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- (4) Must have an authorized manager to direct the operations of all participating vendors during all hours of operation.
- (5) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

D. Manufactured home, farm operation

- (1) Manufactured homes may be used for housing farm workers on a farm operation in agricultural zoning districts.
- (2) One manufactured home is permitted each 100 acres comprised by the farm operation, but no more than four manufactured homes are permitted per farm operation.
- (3) The head of the household for each manufactured home must be employed full-time on the farm operation.
- (4) Each manufactured home will be considered a conventional dwelling for purposes of applying general regulations of the zoning district.
- (5) If property where the manufactured home is located is reclassified to a residential district, the manufactured home must be removed within 90 days.
- (6) Each manufactured home must be connected to an approved residential sewage disposal system, and to a satisfactory water supply.
- (7) No manufactured home may be located within 750 feet of an existing conventionally-built dwelling that is not located on the same farm operation.

E. Sawmill, minor

- (1) Must be located on property of at least 20 acres.
- (2) Must have at least a 500-foot setback from any property line.
- (3) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

F. Winery, cidery, brewery, distillery, and accessory public assembly uses

- (1) The following operational uses, events, and activities are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
  - a. Production of agricultural products used in the manufacture of wine, cider, beer, or alcohol.
  - b. Tasting room open to the public.
  - c. Direct sale and shipment of product.
  - d. Storage and warehousing of product.
  - e. Sale of souvenir-type items, such as t-shirts, pint glasses, or bottle openers.
  - f. Private personal gatherings by the property owner.

- g. Other activities which, under state law, are not subject to local regulation at farm wineries, or establishments with a limited brewery or limited distillery license.
  - h. Other events and activities which are considered usual and customary at such establishments and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (2) The following agritourism uses are permitted by-right at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
- a. Exhibits and museums related to farming or agricultural production.
  - b. Facility tours.
  - c. Agri-education activities.
  - d. Hayrides.
  - e. Picnics, self-provided or purchased on-site.
  - f. Pick-your-own activities.
  - g. Other uses determined by the zoning administrator.
  - h. Other activities which, under state law, are not subject to local regulation at agricultural operations.
  - i. Other events and activities which are considered usual and customary at agricultural operations and which do not have a substantial impact on the health, safety, and general welfare of the public, as determined by the zoning administrator.
- (3) Weddings, receptions, reunions, or similar events are permitted at wineries, cideries, breweries, or distilleries, located on 50 acres or more:
- a. The winery, cidery, brewery, or distillery must have:
    - (i) Fermentation or brewing process and bottling done on site or on adjacent property under the same ownership.
    - (ii) An on-site tasting room that is open to the public.
    - (iii) A minimum of five acres dedicated, for at least one season of each calendar year, to growing fruits, grains, or other agricultural products to be used in the production of the establishment's beverages. The acreage must be on site or on adjacent property under the same ownership.
    - (iv) If property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.
  - b. The maximum attendance at each event is calculated using the number of parking spaces, as shown on the property's approved plan of development, multiplied by four; however, if the tasting room will be open during the event, then the maximum occupancy of the tasting room will be subtracted from the maximum attendance calculation. The maximum attendance does not include any owners or employees of the establishment or vendors providing goods or services to the event. An event with anticipated attendance above the maximum attendance calculation is deemed a special event requiring a special event permit. Special events cannot occur more than eight times per year.
  - c. No outdoor amplified music can be plainly audible from any exterior boundary of all adjacent properties under the same ownership.
  - d. Limit of one event per week.

- e. Events must conclude by 11:00 p.m. on Friday and Saturday, and by 10:00 p.m. on Sunday through Thursday, except that, regardless of the day of the week, events held on days before a national holiday occur until 11:00 p.m.
- f. Areas used for events need a 200-foot setback from the exterior boundary of all adjacent properties under the same ownership.
- g. Required parking areas may be composed of one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
- h. All exterior lighting must be dark sky compliant.

**Sec. 15-282. Animals and associated structures.**

**A. Animals**

- (1) Livestock is not permitted in any district zoned R-1, R-3, R-O, R-N, RPUD, or MPUD.
- (2) On a residential lot of two acres or more (unless specifically permitted in certain districts), not more than one horse or pony may be housed and maintained; for each additional acre, one additional horse or pony may be housed and maintained.
- (3) In residential zoning districts where chicken-keeping is specifically permitted, no more than six chickens are allowed, subject to the following standards:
  - a. Keeping male chickens is prohibited.
  - b. Chickens must be kept within an enclosure.
  - c. Coops and chicken enclosures must be:
    - (i) Set back at least ten feet from the side and rear property line and at least 50 feet from any residential dwelling on an adjacent lot.
    - (ii) Located behind the front building line of the dwelling unit.
    - (iii) Well-ventilated and kept in a clean, dry, and sanitary condition at all time.
  - d. Chicken manure cannot create a nuisance or health hazard to adjoining property owners.
  - e. Outdoor chicken slaughtering is prohibited.
- (4) For properties zoned R-R, limited agricultural uses may be permitted on lots of 10 acres or more. On such properties, structures for the sale of farm products raised on the premises are allowed. Open or enclosed storage of farm materials, products or equipment; form building including barns, stables, sheds, tool rooms, shops, bins, tanks and silos are permitted. All large or small animals must be kept within fences or other enclosed areas. The minimum acreage shall not apply to chickens.

**B. Riding stable**

- (1) If no more than two horses are kept, the stable can be located on a lot of at least three acres.
- (2) If three or more horses are kept, the stable must be located on a lot of at least five acres.
- (3) No part of any building used for the riding stable can be located within 150 feet of the nearest property line or within 100 feet of a public road.
- (4) If the above standards cannot be met in those zoning districts that allow riding stables, the use may be allowed with a conditional use permit.

**Sec. 15-283. Commercial/Industrial.****A. Adult business**

Conditional use permit criteria for adult businesses:

- (1) Unless the applicant consents to a longer period, a completed application for a conditional use for an adult business must be approved or denied within 90 days following receipt of a complete application.
- (2) In reviewing the conditional use permit, the planning commission and board of supervisors may consider the following factors, in addition to other appropriate land use considerations:
  - a. The nature of the surrounding area and the extent to which the proposed use might significantly impair its present or future development;
  - b. The proximity of dwellings, churches, schools, parks, or other places of public gatherings;
  - c. The probable effect of the proposed use on the peace and enjoyment of people in their dwellings;
  - d. The limitations of fire and rescue equipment and the means of access for fire and rescue services;
  - e. The limitations of law enforcement and means of access for law enforcement officers;
  - f. The preservation of cultural and historical landmarks and trees;
  - g. The probable effect of noise, vibrations, and glare upon the uses of surrounding properties;
  - h. The conservation of property values;
  - i. The contribution, if any, such proposed use would make toward the deterioration of the area and neighborhoods; and
  - j. The probable effect that alcohol sales or consumption at the adult business would have in heightening the risk of violations of local laws, and the negative secondary effects on surrounding properties, the neighborhood, and the area.
- (3) If an application for conditional use for an adult business is denied and the applicant desires to appeal the denial, the county will facilitate the applicant's obtaining prompt review of the decision from the county's circuit court, including agreement to a shortened time for filing of pleadings and prompt scheduling of a trial or hearing.

**B. Building and landscaping supplies and equipment**

Outdoor storage of landscaping materials and equipment must be screened from public roads as described in Sec. 15-376. The screening must be either dense evergreen vegetation; an opaque, solid fence; or a wall of treated wood, brick, stone, masonry, or similar solid material and construction.

**C. Child care center**

- (1) The facility must comply with all applicable state regulations regarding the licensing and operation of child care facilities.
- (2) Outdoor play areas must be:
  - a. Safely segregated from accessways, and parking, loading, or service areas
  - b. Enclosed by a fence at least 3½ feet high.

- (3) Vehicular access and circulation must:
  - a. Be designed to enhance the safety of children as they arrive and leave the facility
  - b. Provide a designated pick-up and delivery zone that includes, at a minimum, one parking drop-off/pick-up space per 20 children, located adjacent to the child day care center in such a way that children do not have to cross vehicular accessways to enter or exit the facility.
- (4) If the above standards cannot be met in those zoning districts that allow child care centers, the use may be allowed with a conditional use permit.

D. Drive-thru

- (1) *Site design.*
  - a. *Vehicular movement.* Each drive-thru business must be designed to provide safe, unimpeded vehicle movements at site access points, as well as within drive aisles and parking areas;
  - b. *Pedestrians.* The layout cannot create unsafe conditions for pedestrians. Pedestrian crossings are required and must be clearly marked with enhanced paving and/or pavement markings.
- (2) *Bypass lane.* Each drive-thru must provide a bypass lane with a minimum width of 10 feet.
- (3) *Drive-thru lane requirements.* Drive-thru lanes must include a stacking area for vehicles that meet the following criteria:
  - a. Cannot impede traffic movements, or cross or overlap a drive aisle or off-street parking.
  - b. Each initial point of service needs a stacking area. An "initial point of service" is any designated place for customers to begin a transaction from a vehicle, e.g., ATM, menu board, intercom, window, or similar place.
  - c. Stacking areas cannot block access to parking spaces.
  - d. Each stacking area space must be a minimum of 10 feet by 20 feet.
  - e. The stacking area requirements are below for the initial point of service, but the POD administrator may allow variations if the overall site design is safe and provides adequate mobility and storage for vehicles:

Use	Spaces Required
Bank; financial institution	5
Restaurant	6
Dry cleaner	2
Pharmacy	2
Car wash, automated or self-service	2
Car wash, full service	6
Service station; fueling facility, two-way	1 space on each end of each fuel pump island
Service station; fueling facility, one-way	2 spaces on approach end of each fuel pump island
Vehicle maintenance facility	1
Parking decks	1
All other uses	To be determined by the POD administrator

- (4) *Menu or preview board requirements.*
- a. Designed to reduce visibility from off-site residential uses.
  - b. Oriented away from public rights-of-way, or screened with landscaping approved by the POD administrator to decrease visibility.
  - c. Designed to be compatible with the principal structure and similar in terms of color, materials, scale, and form.
  - d. Speakers:
    - (i) Oriented away from residential districts or uses, and
    - (ii) Not audible off the property.
- (5) *Conditional use permit.* In zoning districts that permit drive-thrus in accordance with these provisions, a drive-thru that cannot or does not meet these requirements may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements of this section.

E. Grocery/retail "pick up"

The following modifications are required for a parking lot to accommodate grocery "pick up" uses:

- (1) Signage installed to identify the "pick up" waiting area
- (2) Up to six parking spaces for the "pick up" waiting area. If additional spaces are desired, they will not be counted to meet the minimum parking requirements for the grocery/retail use.
- (3) Not impact fire safety access or handicap accessibility.

F. Sand and gravel pit, quarry, mining

Located at least 1,000 feet from the nearest occupied dwelling at the time the use is permitted by the state.

G. Shopping center

- (1) Site must be a minimum of two acres.
- (2) Located on property zoned for commercial use.
- (3) Uses permitted include uses permitted by right in the B-2 district and conditional uses permitted in the B-2 district; except that no residential or industrial uses are permitted.
- (4) The applicant must submit a plan of development for the shopping center which demonstrates a coordinated design which is attractive, convenient, and safe to use, and which will have no adverse effect on the adjoining or surrounding development. The plan must comply with the following regulations:
  - a. *Building height.* No building more than 35 feet high unless authorized by a conditional use permit.
  - b. *Yards.* No building closer than 50 feet to any property line.
- (5) *Landscaping and screening.* The shopping center is required to be landscaped, buffered, and screened in accordance with the landscape article of this ordinance.
- (6) *Impervious coverage.* Impervious coverage is limited to 70%.
- (7) *Parking space.* Parking spaces are required at a rate of one space per 250 square feet of gross leasable area, excluding unfinished storage areas.

- (8) *Loading space.* Loading spaces must be provided in accordance with Sec. 15-331, and at least one space must be large enough to accommodate the size and height of tractor-trailers.
- (9) *Entrances.* Entrances must comply with the access management requirements.
- (10) *Signs.* No more than one detached sign is permitted per shopping center entrance.
- (11) *Roadway classification.* The shopping center must have direct access to an arterial or collector road.
- (12) The entire shopping center must be under one ownership, or signed agreements must be provided from all parcel owners agreeing to the conditions.

H. *Meat processing facility, limited.* The following standards are required unless otherwise approved by the board of supervisors through a conditional use permit:

- (1) In reviewing the application, the planning commission and board of supervisors may consider the following factors as well as other appropriate land use considerations:
  - a. Relationship to nearby residences.
  - b. Distance to other similar facilities.
  - c. General character of area.
  - d. Potential impact to adjoining properties.
- (2) The facility must comply with all applicable state and federal regulations regarding the licensing and operation of a meat processing facility.
- (3) All buildings and structures must be set back from all property lines a minimum of 100 feet.
- (4) Perimeter Landscape Buffer:
  - a. To prevent the facility from being visible off site, a 30-foot perimeter vegetated buffer of existing vegetation and/or new plantings is required along each property line and adjacent rights of way.
  - b. Existing mature vegetation located within all required buffers cannot be cleared unless the vegetation is dead or diseased, marked for inspection, and, once inspected, removal is approved by the community development director. The vegetation may need to be supplemented to achieve the goal of not having the facility visible from off-site.
  - c. Where there is no existing vegetation in any buffer, then one of the following will be required to be provided, as determined by community development staff: a double row of six-foot evergreen trees, a two- to four-foot berm with four-foot evergreen trees, or equivalent landscaping.
  - d. All vegetation in the buffer must be maintained.
  - e. Best management practice facilities, off-street parking, and loading areas cannot be located in buffers.
  - f. Access drives and utility easements must generally be located perpendicular to any buffer.
- (5) All processing must occur in the main building which must be an enclosed structure.
- (6) Materials may be stored within enclosed accessory buildings, however, there cannot be any outside storage of products, materials, or machinery.
- (7) Animals may only be kept overnight on the property if the following standards are met:
  - a. Animals must be kept in a fully-enclosed area.

- b. Overnight supervision is required. Overnight supervision can be accomplished through an employee onsite or through appropriate electronic monitoring.
- c. No more than fifty (50) animals may be kept overnight.

I. *Contractor storage, small.*

- (1) *Minimum acreage.* Property must be at least 3 acres.
  - (2) *Building number and size.* One building up to two thousand 2,500 square feet is allowed.
  - (3) *Employees only.* Customers and members of the public are not permitted to come to the property, only persons working for the contractor.
  - (4) *Building setback.* Building must be set back at least 100 feet from any property line.
  - (5) *Screening.* Storage building and parking area must be screened from the property line. The screening must be made of dense vegetation, an opaque solid fence, or a combination of both.
  - (6) *Outdoor storage.* No outdoor storage is allowed.
  - (7) *Vehicles and trailers.*
    - a. No more than 2 vehicles associated with the contractor business can be parked on the property. The vehicles cannot exceed 10,000 pounds, have more than 2 axles, or be a vehicle that tows or hauls disabled or junked vehicles.
    - b. No more than 2 trailers associated with the contractor business can be parked on the property. The trailers cannot exceed 1 axle, 13 feet in length and 3,200 pounds.
    - c. Except for equipment stored on the vehicle or trailer, equipment associated with the contractor business cannot be stored outside.
    - d. No more than 10 vehicles, including employee vehicles, contractor business vehicles and trailers, can be parking on the property at any one time.
  - (8) *Business activity.* No contractor business activity, including repairing, constructing, or fabricating, may occur on the property, but minor routine equipment maintenance can occur.
  - (9) *Lighting.* No outside lighting is allowed on the property.
  - (10) *Signage.* No signage advertising the business is allowed, but signage must be posted on the gate with a contact number.
  - (11) *Road requirements.* Where the property does not directly access a public road, written permission from all access easements holders must be provided to the county, along with a maintenance agreement executed by all parties to the easement.
  - (12) *Conditional use permit.* Although these are the standard conditions for contractor storage, small, the Board of Supervisors may, through the conditional use permit approval, permit a use that does not meet all these requirements and may also impose additional conditions to ensure that impacts are adequately addressed.
- (Ord. No. 5542, § 3, 12-6-22; Ord. No. 5572, § 3, 1-3-23)

**Sec. 15-284. Multi-family residential and mixed-use design.**

A. Development standards.

- (1) *Road and pavement design.* These road and pavement design standards apply to private roads, driveways, and parking areas. The developer must use a state certified professional engineer to monitor and supervise materials used; adequacy of the subgrade; 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 a certificate of occupancy, the certified professional engineer must provide the county with certification that each phase of construction met pavement design 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.

- (2) *Distribution of parking spaces.* For residential uses, two parking spaces must be located in close proximity to each dwelling unit, and common parking areas for visitors must be in the general vicinity. Parking for commercial and other uses must provide easy access to the uses and enhance the project's interconnectivity.
- (3) *Recreational vehicle parking.* If recreational vehicles, boats, or trailers may be parked on the property, adequate supplemental parking spaces for those vehicles must be provided. If a separate, designated parking area is provided, it must be screened with landscaping.
- (4) *Setbacks for driveways and parking areas.* A landscaped buffer is required between all public rights-of-way and driveways or parking lots.
- (5) *Refuse containers.* Containers for refuse and recyclable materials must be located in an enclosed area conveniently accessible to all residents, commercial operators, and other users approved for the development. Enclosures must be constructed of finished masonry materials or of materials consistent with the finish of adjacent buildings, with the exception of gates and doors, which must be opaque and constructed of substantial and durable materials. The number of refuse containers and the level of servicing must be adequate for the development.
- (6) *HVAC screening.* HVAC and mechanical equipment must be screened from view to the greatest extent practical. Screening must consist of landscaping, or building materials used for main building exteriors.
- (7) *Landscape design.* A landscaping package is required to provide extensive landscaping and planting of entrances, recreational areas, parking areas, street frontage, and areas surrounding buildings.
- (8) *Perimeter buffer.* The project's perimeter must be landscaped.
- (9) *Streetscape planting.* Streetscape plantings are required within or along all rights-of-way.
- (10) *Site design.* Incorporate an attractive building layout which retains and enhances the natural vegetation and terrain of the site and incorporates natural design features such as preservation of scenic vistas, natural areas, or other unique elements of the site.
- (11) *Relationship to adjacent properties.* Project design should pay special attention to the compatibility of adjacent land uses, topography, existing vegetation, building height and orientation, and other factors.
- (12) *Proximity to single-family residences.* Provide special attention to the project perimeter adjacent to single-family dwellings or property zoned for single-family dwellings. Building setbacks adjacent to single-family residential districts or single-family dwellings should be greater than elsewhere in the project. No active recreational areas, parking, or refuse containers should be located within this setback area. In areas where natural screening or other vegetative and tree cover is not present, provide a planted buffer and include a combination of large deciduous or evergreen trees, small trees, and shrubs.
- (13) *Recreational areas and structures.* Provide areas conveniently accessible to residents for recreational use. Design areas to serve a variety of passive and active uses and consider locating them in a manner that enhances the form and appearance of the development.

Recreational areas should be consolidated areas of sufficient size located outside the flood plain and steep slopes. Include recreational facilities such as gazebos, clubhouses, swimming pools, playgrounds, and tennis and basketball courts.

- (14) *Open space.* Provide open space in addition to required building setbacks and areas between buildings.
- (15) *Stormwater management facilities.* Design stormwater management facilities as water feature amenities and/or design and landscape to make an integral part of the project.
- (16) *Pedestrian pathways.* Sidewalks must be provided along at least one side of roadways. Use pathways or trails to provide for pedestrian circulation and access to open space, recreational areas, and other common facilities to create a network for pedestrian circulation. Connect to or design to connect to offsite pedestrian facilities.
- (17) *Architectural design.* Incorporate an attractive architectural design which promotes a unified design theme and creates a sense of place.
- (18) *Building height.* Building heights on the development's perimeter must be compatible with surrounding uses and site considerations. Taller buildings should be concentrated in the project interior. If adjacent to a current or future lower density residential land use, buildings over two stories high must generally be set back more in proportion to building height (the taller the building the greater the setback).
- (19) *Building materials.* Incorporate high quality building materials (brick, stone, cementitious siding, EIFS, etc.). Vinyl and aluminum siding are discouraged.
- (20) *Underground utilities.* Except for junction /transformer boxes, meters, and existing overhead utility lines, and except for technical or environmental reasons, all utilities must be underground. Junction/transformer boxes should be screened.
- (21) *Lighting.* Provide parking lot lighting. Lighting must be "dark sky" compliant and directed to minimize illumination and glare on adjacent properties. A lighting plan is required.
- (22) *Signage.* Signage must promote the project and improve the convenience and safety of persons traveling to and within the development. Comprehensive sign criteria must be established to coordinate all nonpublic signage erected.

- (23) *Transportation.* The site design must minimize impacts to the public road network. This may include some combination of providing interconnecting pedestrian pathways, facilitating access to mass transit, or otherwise contributing to roadway infrastructure.
- (24) *Fencing.* Opaque fencing along the perimeter is discouraged, except for a combination of opaque fencing with landscaping at selected locations where screening of HVAC equipment, parking, or a similar design element is desired. Fences must be constructed of durable, low maintenance materials. Masonry materials are encouraged, and wood materials are discouraged.
- (25) *Accessible units.* A number of at-grade, ground-level dwelling units are encouraged to meet the needs of senior and disabled populations.
- (26) *Garages.* Garages, especially side or rear entry, and covered parking are encouraged.
- (27) *Sound suppression.* Provide sound suppression measures between units and floors/ceilings and on exterior of units when adjacent to high impact noise areas.

B. Submission requirements.

Applicant must submit any information required by the community development department to evaluate a rezoning application, plan of development, subdivision, building permit, or other application for any multi-family residential or mixed-use development.

Required documents. Notwithstanding other requirements, an application for multi-family, residential, or mixed-use development must include:

- (1) *Master plan.* A conceptual master plan prepared by a licensed surveyor, engineer, architect, landscape architect, or certified planner, including:
  - a. Uses;
  - b. Acreage of common area and open space;
  - c. Footprints of structures;
  - d. Impervious area and floor area ratios;
  - e. Maximum number of dwelling units and density for residential areas;
  - f. Square feet of floor space for non-residential uses, and number of bedrooms and square footage for residential units;
  - g. Parking, required and provided;
  - h. Schematic plans which indicate the phasing of development; and
  - i. Master water, sewer, and drainage plans.
- (2) *Development impact statement.* Applicant should submit a development impact statement which describes the probable effects and impacts of the proposed development on the county and community, and specifies the applicant's commitments to mitigate or reduce any negative impacts. It should include sufficient information and detailed analysis to evaluate and mitigate the impacts. At a minimum, it needs to address:
  - a. Adequacy of existing public facilities and services for the development, including sewer, water, schools, fire-rescue, and other public facilities and services;
  - b. Additional on-site and off-site public facilities or services which would be required as a result of the development;
  - c. Traffic impact analysis prepared by an individual or firm qualified to conduct traffic engineering studies in a manner and form acceptable to the county and the Virginia Department of Transportation;

- d. Fiscal impact of the proposed development, such as estimated tax revenues to be generated versus the cost of public improvements expected to be financed by the county or otherwise. The study must be prepared by an individual or firm qualified to conduct fiscal impact analysis and be in a manner and form acceptable to the county;
  - e. Impact of construction and permanent change in land use upon surrounding property, such as aesthetics, vegetation, stormwater drainage, and noise, air, or water pollution;
  - f. Impact of the development on cultural and historic sites; and
  - g. 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 development.
- (3) *Demonstrate compliance.* Methods to demonstrate compliance with the multi-family residential and mixed-use design standards include, but are not limited to, zoning proffers, pattern books, traffic impact or other studies, subdivision conditions, conditional use permit conditions, and plan of development conditions.

### **Sec. 15-285. Residential.**

#### **A. Accessory family housing unit, attached or detached**

- (1) One additional attached dwelling unit per lot is allowed.
- (2) Only persons related to a resident of the principal dwelling can reside in the accessory dwelling unit.
- (3) The second dwelling unit cannot be rented separately from the principal dwelling.
- (4) A working smoke detector and a working carbon monoxide monitor must be installed and maintained in the second dwelling unit.
- (5) Emergency vehicle access must be provided and maintained to the second dwelling unit.
- (6) Prior to using an attached second dwelling unit, the property owner(s) must file with the Goochland County Circuit Court Clerk an affidavit stating that an attached second dwelling unit is on the property and agreeing to comply with each of the use standards; and provide proof of filing that affidavit to the community development department. Moreover, prior to the transfer of the property that includes the attached second dwelling unit, the property owner(s) is required to notify the purchaser, in writing, of the use standards for the attached second dwelling unit; and file a copy of that written notice with the community development department.
- (7) If the property does not meet these requirements, the use may be allowed with a conditional use permit. Conditions may be imposed to ensure that impacts are adequately addressed in a manner consistent with the requirements in this section.

#### **B. Accessory building**

Accessory buildings are allowed in accordance with setbacks of the district in which they are located. Garages or other accessory buildings, such as carports, porches and stoops, attached to the main building are considered a part of the main building and may encroach 3 feet into the setback. No accessory structure may be closer than five feet to any property line. See Sec. 15-505.A.2 for additional information.

C. Commercial vehicle parking

Parking of any commercial enclosed or flatbed trailer, or of any weight wrecker is permitted only while loading or unloading, unless the vehicle is enclosed or adequately screened by a fence and/or trees and shrubs, in accordance with Sec. 15-376.

D. Family health care structure, temporary

(1) Definitions:

- a. *Caregiver* means an adult who provides care for a mentally or physically impaired person. A caregiver must be either related by blood, marriage, or adoption to or be the legally appointed guardian of the mentally or physically impaired person for whom he is caring.
- b. *Mentally or physically* impaired person means a person who is a state resident and who requires assistance with two or more activities of daily living during more than half the year, as defined in Virginia Code § 63.2-2200. A state licensed physician must certify the need for assistance.
- c. *Temporary family health care structure* means 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 who requires assistance with one or more activities of daily living during more than half the year as defined in Virginia Code § 63.2-2200. A state licensed physician must certify the need for assistance;
  - (iii) has no more than 300 gross square feet; and
  - (iv) complies with applicable provisions of the state's industrialized building safety law and the Virginia Uniform Statewide Building Code. Placing the temporary family health care structure on a permanent foundation is not required or permitted.

(2) In any single-family residential zoning district, on lots zoned for single-family dwellings, temporary family health care structures are a permitted accessory use for use by a caregiver in providing care for a mentally or physically impaired person and on property owned or occupied by the caregiver as his residence. Temporary family health care structures must meet the following conditions:

- a. Temporary health care structures do not require a special use permit and are not subjected to any requirement other than those imposed upon other authorized accessory structures, except as otherwise provided in this section.
- b. Temporary health care structures must comply with all setback requirements, and maximum floor area ratio limitations that apply to the primary dwelling.
- c. Only one family health care structure is allowed on a lot.
- d. The applicant must provide evidence of compliance with these use standards on an annual basis as long as the temporary family health care structure remains on the property, and allow county staff to inspect the temporary family health care structure at reasonable times convenient to the caregiver.
- e. Any temporary family health care structure may be required to connect to any water, sewer, and electric utilities that are serving the primary dwelling, as appropriate, and comply with all applicable requirements of the state department of health.

- f. No signage advertising or otherwise promoting the existence of the temporary family health care structure is permitted.
- g. Temporary family health care structures must be removed within 60 days from when the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of assistance.

#### E. Home occupation

Home occupations are permitted within a dwelling unit or accessory building associated with a dwelling unit, subject to the following:

- (1) A home occupation must be clearly incidental and secondary to the use of the property as a dwelling.
- (2) The owner or occupant of the dwelling unit must be the business operator.
- (3) Materials may be stored within an enclosed accessory building; however, no new buildings may be constructed solely to serve the home occupation and there cannot be any outside storage of products or materials.
- (4) External alterations cannot change the residential character of the dwelling unit.
- (5) The home occupation can have no employees on the premises other than the family members residing on the premises.
- (6) The use of machinery or equipment not customary for purely domestic household purposes is prohibited, and there cannot be any equipment, process, or activity that generates any noise, vibration, odor, fumes, glare, or electrical interference detectable to the normal senses beyond the dwelling unit in which the home occupation is conducted.
- (7) No group instruction, assembly or activity is permitted. Individual visits may occur by appointment only.
- (8) One commercial vehicle and one trailer related to the home occupation is permitted.

#### F. Multiple principal structures on a lot

- (1) Except as permitted in (3), no more than one detached single-family dwelling unit may be erected on a single lot. However, one additional detached single-family housing unit may be allowed on a single lot with an approved conditional use permit.
- (2) In any R-3, R-O, Business, Industrial, or RPUD district, more than one structure housing the principal may be erected on a single lot in accordance with the provisions of the applicable zoning district and sanitation requirements.
- (3) Lots larger than 25 acres may have more than one single-family dwelling, as follows: 25—50 acres—two dwellings; 51—100 acres—three dwellings; 101 acres or more—four dwellings. Permission to exceed the permitted number of single-family dwellings may be sought through a conditional use permit.

G. Short-term rental, hosted and unhosted; bed and breakfast

A short-term rental, unhosted, requires a conditional use permit. Short term rental, hosted, and bed and breakfast uses must meet the following conditions:

- (1) *Registration.* Before advertising or operating use, the dwelling must be registered by providing the name, address, and phone numbers of property owner(s) and any designee(s). The registration must be updated annually before January 1. There is no registration fee.
- (2) The following are exempt from the registration requirements:
  - a. Salespersons and brokers licensed by the real estate board.
  - b. Properties registered under the Virginia Real Estate Time-Share Act.
  - c. Tourist establishments regulated by the state department of health for lodging.
- (3) *Owner-occupied dwelling.* Dwelling must be owner's primary residence. Owner or designee is required to stay overnight at dwelling and, during the day, be able to return to dwelling within 60 minutes during all transient occupancy. Owner or designee must be available 24 hours a day, seven days a week, to respond to and resolve issues and complaints that may arise during transient occupancy. Designee must be at least 21 years old.
- (4) *Principal dwelling.* Transient lodging must occur within principal dwelling.
- (5) *Maximum occupancy.* Occupancy is limited to the maximum number of residents allowed by the septic system permit; however, in no circumstance can occupancy exceed 10 people, including both permanent residents and transient renters.
- (6) *Residential appearance.* Property must maintain a residential appearance.
- (7) *Smoke alarms; carbon monoxide detector.* There must be at least one carbon monoxide monitor installed and maintained in good working order. Smoke alarms must be installed and maintained in at least one common area and in each room providing transient lodging.
- (8) *Outdoor music.* No outdoor music, amplified or acoustic, after 11:00 p.m.
- (9) *Hunting; firearms.* Renters cannot hunt or discharge firearms on the property.
- (10) *Violations.* Property may not be advertised or operated as a short-term rental or bed and breakfast if violations of any applicable state and local laws, ordinances, or regulations relating to short-term rentals or bed and breakfasts have occurred on more than three occasions.
- (11) If the above standards cannot be met in those zoning districts that allow short-term rental or bed and breakfast uses, it may be allowed through a conditional use permit.

H. Tiny house

- (1) *Permits.* Building, well, and septic permits are required.
- (2) *Zoning.* Houses must comply with the same zoning regulations as applicable to single-family dwellings.
- (3) *Foundations.* A foundation is required if the house is over 256 square feet. If the house is 256 square feet or less, no foundation is required if the following criteria are met:
  - a. Maximum 10 feet eave height.
  - b. Finished floor not more than 18 inches above finished grade.
  - c. Supporting structure in direct contact with the ground.

- d. Anchored to withstand wind loads.
- e. Structure of light-frame construction.

**Sec. 15-286. Motor vehicle.**

A. Automobile rental

- (1) All automobile maintenance and repair work must be conducted within a building.
- (2) No outside storage is permitted of automobile parts, petroleum products, equipment, other supplies, or tools for automobile repair.
- (3) Site must ensure proper automobile circulation and maneuvering.
- (4) All automobiles must be operational.

B. Automobile/motor vehicle storage lot

- (1) No repair work is permitted on the property.
- (2) No outside storage is permitted of vehicle parts, petroleum products, equipment, other supplies, or tools for vehicle repair.
- (3) Outside vehicle storage is permitted on lots covered with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete or gravel.
- (4) Vehicles must be screened from view from all public roads and adjacent properties. Screening must comply with Sec. 15-376. No vehicles may be stored in buffer areas.
- (5) Site must ensure proper vehicle circulation and maneuvering.
- (6) All vehicles must be operational.

C. Inoperable vehicle

- (1) The following definitions apply:
  - a. "Inoperable motor vehicle" means any motor vehicle, trailer, or semi-trailer which:
    - (i) Is not in operating condition; or
    - (ii) For a period of 60 days or longer, has been partially or totally disassembled by the removal of tires, wheels, engine, or other essential parts required for operation of the vehicle; or
    - (iii) Displays neither valid license plates nor a valid inspection decal, if required by law. Farm tractors and farm utility vehicles as defined in Virginia Code § 46.2-100 are exempt.
  - b. "Motor vehicle," "trailer," and "semitrailer" are defined as provided in Virginia Code § 46.2-100.
  - c. "Adequately screened" means the view of the inoperable motor vehicle, trailer, or semi-trailer is obscured from all public roads and adjoining properties by dense evergreen vegetation; or by an opaque, solid fence; or by a wall of treated wood, brick, stone, masonry, or similar solid material and construction. Such screening, fencing, and/or enclosure must meet all applicable zoning ordinance and building code requirements and be maintained to ensure that permanent screening is provided to hide the vehicles from view. See Sec. 15-376.
- (2) On all property zoned for residential purposes, only one inoperable motor vehicle is allowed on any single lot and it must be screened in compliance with Sec. 15.286.C.1.c.

- (3) On all property zoned for agricultural purposes, no more than three inoperable motor vehicles are allowed on any single lot and they must be adequately screened in compliance with Sec. 15.286.C.1.c. This limit does not apply to:
  - a. Farm tractors and farm utility vehicles, as defined in Virginia Code § 46.2-100, if operable;
  - b. Inoperable farm tractors and farm utility vehicles that are located more than 500 feet from the road; or
  - c. Trailers and semi-trailers which are actively used for farming operations.
- (4) On all property zoned for commercial or business purposes, all inoperable motor vehicles must be adequately screened, except that motor vehicle repair businesses, and service stations may have up to three inoperable motor vehicles visible from the public road or adjoining properties.
- (5) All owners of property zoned for residential, commercial, or agricultural purposes must remove any inoperable motor vehicle that is in violation of this section. The zoning administrator may cause any inoperable motor vehicle to be removed, if the owner of the property, after 10 days' written notice, has failed to do so. Upon 10 days' additional written notice to the owner, the zoning administrator may dispose of the inoperable motor vehicle. All costs of the removal and disposal may be charged to the owner of the vehicle or property and collected by the treasurer as taxes are collected. Every cost assessed against the property owner will constitute a lien against the property from which the vehicle was removed, until paid.
- (6) This section does not apply to the following:
  - a. A licensed business which was on June 26, 1970, and is still regularly engaged in business as an automobile dealer, salvage dealer, or scrap metal processor; and
  - b. Inoperable motor vehicles completely enclosed within a building or structure, and not visible from public roads and adjoining properties.

D. Recreational vehicle

Recreational vehicles cannot be used as a dwelling.

E. Sale of trucks, trailers, equipment, and tools

- (1) Repair of all motors and other large equipment must occur within an enclosed building with a permanent foundation and a finished floor.
- (2) Vehicles, trailers, and equipment must be screened from view of all public roads and adjacent properties. Screening must comply with Sec. 15-376. Buffer areas cannot be used for storage.
- (3) No vehicle or equipment displays can be located within 35 feet of any right-of-way.

**Sec. 15-287. Construction, office, and sales trailer.**

A. *Temporary trailer permit.* The zoning administrator may grant a temporary permit, issued for a 12-month period, for a mobile home or construction trailer during active construction, if applicant has a valid and approved building permit for a conventionally built residence, church, commercial, industrial, subdivision, public facility or public utility, subject to the following conditions:

- (1) *Residence use.* The mobile home, manufactured home, or travel trailer is situated at the residence construction site and is occupied solely by the property owner and his immediate family. Mobile home must be removed 30 days from issuance of the certificate of occupancy for the permanent dwelling. Other temporary mobile homes and travel trailers cannot be occupied as a dwelling.

- (2) *Church use.* The mobile home is situated at the church construction site and is occupied only by church members and their guests, or by persons directly engaged in the supervision of the church construction. Mobile home must be removed 30 days from issuance of the church's certificate of occupancy.
- (3) *Office use.* The mobile home or travel trailer is situated at the commercial, industrial, or public construction site and is occupied only by persons directly engaged in the supervision of the construction of the structure or development. Temporary trailers cannot be used as a permanent office.
- (4) *Sales use.* If trailer will be used for sales to the general public, paved parking areas are required.
- (5) *Yard requirements.* All yard requirements of the district in which the mobile home or travel trailer is located apply unless the zoning administrator grants a waiver.
- (6) *Ingress and egress.* No means of ingress and egress may be established to serve the mobile home or travel trailer until all necessary permits have been approved from the Virginia Department of Transportation.
- (7) *Occupancy.* The mobile home or travel trailer may not be occupied until a certificate of occupancy has been issued by the building official.

B. *Renewal.* The zoning administrator may renew the temporary trailer permit for an additional 12 months.

#### **Sec. 15-288. Communication tower and facilities.**

##### **A. Small cell facility**

- (1) A wireless facility is considered a small cell facility if it meets the following criteria:
  - a. Each of the facility's antennas are located inside an enclosure of no more than six cubic feet in volume, or, in the case of antennas that have exposed elements, the antennas and all of the facility's exposed elements could fit within an imaginary enclosure of no more than six cubic feet.
  - b. All other wireless equipment associated with the facility have a cumulative volume of no more than 28 cubic feet, or a higher limit as if permitted by the Federal Communications Commission.
  - c. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunication demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (2) Small cell facilities are permitted by right in all zoning districts subject to the following standards:
  - a. The small cell facility is installed by a wireless services provider on an existing structure.
  - b. The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to co-locate the small cell facility on the existing structure and to co-locate the associated transmission equipment on or proximate to the existing structure.
  - c. A building permit is approved.
- (3) Wireless facilities which do not meet the criteria to be deemed a small cell facility are subject to the regulations for telecommunication facilities.

- (4) A wireless services provider or wireless infrastructure provider may submit up to 35 permit requests for small cell facilities on a single application. Permit application fees are stated in the county fee schedule adopted as an appendix to this code.
- (5) Permit applications for small cell facilities will be reviewed and approved as follows:
  - a. Permit applications for the installation of small cell facilities will be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.
  - b. Within 10 days of receipt of an application and a valid electronic mail address for the applicant, the applicant will be sent an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification will specify the missing information which needs to be included in a resubmission in order to complete the application.
  - c. Any disapproval of the application will be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
    - (i) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
    - (ii) Public safety or other critical public service needs.
    - (iii) If the installation is to be located on or in publicly owned or publicly controlled property, aesthetic impact, or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property. If the installation is to be located on privately owned structure and the applicant does not provide an agreement from the owner of the structure.

#### B. Telecommunication facilities

- (1) *Definitions.*
  - a. *Alternative tower structure.* Manmade trees, silos, clock towers, bell steeples, light poles, utility poles, buildings, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
  - b. *Antenna.* Communication equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communication services.
  - c. *Height.* When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.
  - d. *Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.
- (2) *Use regulations for telecommunication facilities.* The goals are:
  - a. To encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community,

- b. To strongly encourage the joint use of new and existing tower sites, and use of existing utility transmission rights-of-way,
  - c. To encourage towers located in areas where the adverse impact on the community is minimal,
  - d. To encourage users of towers and antennas to locate, design, and configure them in a way that minimizes their adverse visual impact, and makes them compatible with surrounding land uses, to the extent possible,
  - e. To provide adequate sites for the provision of wireless communication services with minimal negative impact on the county's resources,
  - f. To encourage public/private partnerships, where possible, that promote the county's communications needs, especially fire and emergency rescue services, and
  - g. To strongly encourage the use of monopoles and camouflage for towers located in or near residential areas.
- (3) *Applicability.* These regulations govern telecommunication facilities that exceed, as installed, 50 feet in height. Towers that are less than 50 feet high and meet all zoning requirements are deemed to be substantially in accordance with the comprehensive plan.
- (4) *Amateur radio and receive-only-antennas.* These regulations do not govern any tower, or the installation of any antenna, that is operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas for amateur radio station operation.
- (5) *Existing structures and towers.* The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, utility tower, or tower, water tank, or other free-standing structure is permitted without a conditional use permit so long as the addition of the antenna does not add more than 20 feet or 25 percent, whichever is less, to the height of the structure, and does not require additional lighting pursuant to Federal Aviation Administration or other applicable requirements. Additional structures equipment needed in connection with the antenna may be placed so long as it is placed within the existing structure or property. Building permits are required.
- (6) *General guidelines and requirements.*
- a. *Principal or accessory use.* For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot does not preclude the installation of antennas or towers on the lot.
  - b. *Design.* These requirements govern telecommunication facilities:
    - (i) Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color, to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
    - (ii) At a facility site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and surrounding structures.
    - (iii) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

- (iv) Towers cannot be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
  - (v) No advertising may be placed on the telecommunication facility unless as part of retrofitting an existing sign structure.
  - (vi) To permit co-location, a tower should be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in an approved conditional use permit.
  - (vii) Towers must be designed to collapse, in case of structural failure, within the lot lines, and the fall zone must be located entirely on the property the tower is located on.
  - (viii) Except where the provisions of an approved conditional use permit or other government regulation restricts the tower height, or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four users, including the primary user, must be submitted. If the tower height is restricted, or a stealth design is used and the tower cannot accommodate four facilities, then a report must be submitted that describes the design limitations for co-location.
- (7) *Federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all Federal Communications Commission regulatory emission standards.
- (8) *Building codes.* To ensure the structural integrity of towers, the tower owner must ensure that it is designed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations. A building permit is required.
- (9) *Access to the site.* Site access to monopole towers must be, at a minimum, a 12-foot wide gravel access road designed to support 75,000 pounds with four feet of clearance on either side. Lattice towers must have, at a minimum, a 20-foot wide gravel road designed to support 75,000 pounds.
- (10) *Information required.* Each applicant requesting a conditional use permit must submit the following:
- a. A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and documentation, signed and sealed by a state licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetation buffers, tree heights, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses and adjacent buildings.
  - b. A certification from a licensed professional engineer experienced with the design and operation of towers and antennas that the emissions from the facility will not exceed the Federal Communication Commission maximum permissible exposure standard.
  - c. The applicant's statement agreeing to allow co-location on the proposed tower, and co-location of a second tower on the site, where appropriate, and that the lease agreement will not prohibit or discourage co-location, or, if so, the reasons therefor.
  - d. Applicant must provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image must illustrate how the facility will look from adjacent roadways, nearby residential areas, or public buildings such as a school, church etc. County staff reserve the right to

select the location for the photographic images and require additional images. Applicant must also conduct a "balloon test" to demonstrate the height of a proposed tower and provide the community development staff with at least 48-hours notice of the test.

- e. The community development department may require other information deemed necessary to assess compliance.
- (11) *Factors considered in granting a conditional use permit for a new tower.* Applicant must obtain a conditional use permit before erecting telecommunication facilities. The following factors will be used in determining whether to issue a conditional use permit:
- a. Proposed height;
  - b. Proximity to residential structures, residential district boundaries, and other visually sensitive facilities, such as churches and schools;
  - c. Nature of the uses and impacts of the proposed facility on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - g. Proposed ingress and egress;
  - h. Co-location policy and efforts to co-locate;
  - i. Consistency with the comprehensive plan;
  - j. Availability of suitable existing towers and other structures;
  - k. Proximity to private airports;
  - l. Proposed methods of mitigation for the visual impacts, including proposed landscaping or screening; and
  - m. Communications needs of the county.
- (12) *Security fencing.* Towers are required to be enclosed by security fencing not less than six feet high and equipped with an appropriate anti-climbing device.
- (13) *Landscaping.* Landscaping is required as follows:
- a. Tower facilities must be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer will consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The applicant may propose off-site landscaping if that better mitigates the visual impacts of the proposed facility. In such cases, a written agreement must be provided to evidence approval by the property owner on which the landscaping will be located.
  - b. Existing mature tree growth and natural landforms on the property should be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the county may determine the natural growth around the property perimeter may be sufficient buffer.
- (14) *Local government access.* Tower owners must provide the county co-location opportunities as a community benefit to improve communication for county departments and emergency services. The county has the right of first refusal to any available co-location; however, the county will be responsible for placing and maintaining its own equipment.

- (15) *Removal of abandoned facilities.* Any telecommunication facility that is not operated for a continuous period of 12 months is considered abandoned, and must be removed within 90 days of abandonment or a county notice requiring the removal. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings, but the buildings may remain upon the owner's request.

**Sec. 15-289. Renewable energy.**

A. Small wind turbine. These regulations govern the installation and siting of freestanding small wind turbines used to generate electricity primarily for onsite consumption; however, these regulations do not impact roof-mounted systems that meet the underlying height requirements of the respective zoning district. Both freestanding and roof-mounted systems must comply with the appropriate regulations of the Virginia Administrative Code (Sec. 20 VAC 5-315-10 through 20 VAC 5-315-80).

- (1) *Conditional use permit.* A conditional use permit is required for a freestanding small wind turbine system. Applicant should submit the following for review and approval by the planning director:
- a. Plat of the lot showing lot lines, location of the small wind turbine, and setbacks.
  - b. Plans that show the total height of the structure, including rotor blades.
  - c. Certifications required by the state for net metering service, such as approval of the electric distribution company, and proof of liability insurance.
- (2) *General guidelines and requirements.* Freestanding small wind turbines must be:
- a. Limited to 199 feet in height. The height will be measured from ground level to the highest point on the structure.
  - b. Constructed as monopoles. Guy wires may be used, but not lattice structures.
  - c. Set back at least 1½ times the height of the wind turbine from all property boundaries, overhead utility lines, and public rights-of-way. If guy wires are used, setback is measured from guy wires.
  - d. Energy generated must be used primarily for onsite consumption.
- (3) *Noise.* Small wind turbines cannot emit sound that is plainly audible beyond the closest property line, except during short-term events such as utility outages and/or severe windstorms.
- (4) *Signage and lighting.* No signage, other than safety and warning signs, is permitted. Lighting is prohibited unless required by the Federal Aviation Administration.
- (5) *Removal.* Any system that the building official finds unsafe must be repaired or removed. Any system that is not operated for a period of one year is considered abandoned and must be removed within 90 days of abandonment or notice from the county. If the property owner fails to remove the wind turbine within the 90 days, the county may conduct the removal and disposal. All removal and disposal costs may be chargeable to property owner and collected by the treasurer as taxes are collected. Every cost authorized by this section with which the property owner has been assessed shall constitute a lien against the property from which the wind turbine has been removed.

B. Solar energy facility, accessory.

- (1) Facility is designed to serve only the property on which it is located.
- (2) Facility may be located on the roof of a principal or accessory structure, on the side of those structures, or on the ground.

- (3) Facility must comply with the setback and height requirements of the district for the building or structure on which it is mounted or attached.
- (4) Ground-mounted facilities must comply with the individual zoning district's accessory structure setback and height requirements.
- (5) Roof-mounted facilities cannot extend more than six feet above the roofline of the structure on which it is mounted.
- (6) Solar energy facilities cannot be used to provide advertising or function as signs.
- (7) In addition to [subsections] (1) through (6) above, in A-1 and A-2 districts, the use is permitted if it is accessory to the permitted agricultural business or agricultural operation on the property, and it complies with Code of Virginia, §§ 56-594 and 56-594.2.

C. Solar energy facility, supplementary.

- (1) Facility is located on a property having a permitted principal use.
- (2) Ground-mounted facilities must be located no closer to a road than the principal building or use, meet all other principal building setbacks, and not exceed a height of 25 feet.
- (3) Ground-mounted solar equipment must be screened from view of roads and non-manufacturing districts, provided that the director of community development may approve alternative treatments where it is demonstrated that, due to buffers, terrain or other site-specific conditions, the visual impact of the facilities on adjacent properties or rights-of-way is sufficiently mitigated.
- (4) Building-mounted equipment is required to comply with applicable building design standards, not exceed height requirements of the building upon which located, and in no case extend more than six feet above the building's roof or parapet.
- (5) The design and installation of the facility must conform to applicable industry standards, including that of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and must comply with the Uniform Statewide Building Code and with all other applicable fire and life safety requirements. The type and manufacturer specifications of solar panels must be submitted for review and approval as part of the plan of development application or, if none is required, then as part of the building permit application.
- (6) Generation of power is limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
- (7) Solvents used to clean the solar panels must be biodegradable.
- (8) Wiring, excluding that which is on a solar array, must be located underground except where necessary to directly connect to public service corporation or other recipient of power distribution.
- (9) Solar panels must be placed and operated to prevent concentrated solar radiation, heat, or glare being directed onto other properties or roads.
- (10) Solar equipment cannot be used to provide advertising or function as signs.
- (11) Noise generated by the facility cannot exceed the lesser of that permitted for the district or 60 dBA, as measured at property line with any adjacent property not part of facility.
- (12) Decommissioning plan is required to be submitted for approval to the director of community development with the required plan of development. Property owner, facility owner, and facility operator are obligated to comply with decommissioning plan.

- (13) A solar facility, or any portion thereof, shall be considered abandoned when not utilized for the generation of electricity for a continuous period of six months. The director of community development may extend this time-period where evidence is provided that the failure to utilize facility for power generation is beyond reasonable control of facility owner or facility operator, facility is operationally capable of generation and has not been abandoned.
- (14) Where solar energy facility is abandoned or where the county building official determines that facility, to include any component thereof, is unsafe, it shall be repaired to comply with local, state, and federal regulatory standards or be removed by the property owner or other responsible party within time specified by official. If compliance is not achieved within specified time-period, the county may remove it and recover its costs from the property owner, facility owner, or facility operator.

(Ord. No. 5703, § 17, 5-2-23)

**Sec. 15-290. Place of public assembly and use open to the public.**

A. *Road requirements.* Uses and structures permitted by right in the A-1 and A-2 districts may locate on a public or private road except that public assembly uses or uses that are open to the public must abut and have a principal point of vehicular access directly on a state-maintained road or a private road that is not shared by other properties or uses.

B. *Exemption.* Any structure or use existing prior to July 1, 2016 is exempt from Article 29, and may be enlarged upon, expanded, or extended on the same lot as the exempted structure or use.

C. *Conditional use permit.* If the above standards cannot be met in those zoning districts that allow public assembly uses, the use may be allowed through a conditional use permit.

**Sec. 15-291. Use standards and zoning districts.**

General standards for uses listed in this article apply to the use regardless of the zoning district in which it is located. Use is only permitted if allowed by the zoning district. These standards, in substantially similar form, would become conditions if the use is allowed pursuant to a conditional use permit.

**Secs. 15-292—15-310. Reserved.**



**ARTICLE 21. PLAN OF DEVELOPMENT (POD)****Sec. 15-311. Statement of intent.**

A plan of development must be submitted prior to the issuance of any building permit, to accomplish the following:

- A. To assure compliance with the applicable requirements of the zoning ordinance and to promote proper site planning.
- B. To state the specific requirements applicable to the development of specific uses.
- C. To allow review of the design and construction of required improvements.
- D. To promote traffic safety.
- E. To protect water quality.

**Sec. 15-312. Types of plans of development.**

There are four categories of plans of development, as follows:

- A. Plan of development - Sec. 15-314
- B. Minor plan of development - Sec. 15-323
- C. Rural plan of development - Sec. 15-324
- D. Administrative waiver - Sec. 15-325

**Sec. 15-313. Plan of development administrator.**

The plan of development administrator (POD administrator) is responsible for administration of this article.

**Sec. 15-314. Plan of development.**

A. A plan of development or waiver is required for the following:

- (1) All new commercial and industrial businesses and developments.
- (2) Telecommunication towers.
- (3) Places of worship or other public assembly uses.
- (4) Multi-family dwellings, including two-, three-, or four-family dwellings, townhouses, apartments, and condominiums.
- (5) Any addition to or expansion of an existing commercial or industrial use requiring the issuance of a building permit, or any expansion of parking facilities where land disturbance is 10,000 square feet or more.
- (6) All residential developments with more than two single-family lots which require any improvements to be made for access or public safety.

B. Plans of development must be prepared by a certified land surveyor or professional engineer. The area depicted on a plan of development must include all of the area shown in the corresponding subdivision final plat and no additional area may be shown on the plan of development unless the POD administrator determines that off-site improvements are necessary; if so, then only the additional areas as approved by the POD administrator may be included. The plan of development may be prepared in one of more sheets to show clearly the information required. If prepared in more than one

sheet, match lines should clearly indicate where the sheets join. The plan of development must be prepared to a scale of one inch equals 50 feet, or larger; the sheet size should be 24 inches by 36 inches or multiples thereof. The POD administrator will determine the number of clearly legible, blue or black line copies of a plan of development to be submitted. The POD fee is stated in the county's fee schedule adopted as an appendix to this code, and must be paid at submittal. Every plan of development must contain information to address the subjects listed below and comply with the zoning ordinance.

- (1) Location of property by an insert map at a scale of not less than one inch equals 1,000 feet, indicating the scale, the north arrow, and such information as the names and state route numbers of adjoining roads, as well as names of streams and bodies of water, railroads, subdivisions, and other landmarks sufficient to clearly identify the location of the property.
- (2) A boundary survey of the property by courses and distances with state plane coordinates on at least two boundary corner points. All features shown on the plan must be drawn to scale based upon the two points.
- (3) Election district, zoning district, present and proposed use of property, geographic parcel identification number (GPIN), tax parcel identification number, name, address, and contact information for the developer of property (if different than the record property owner) and contact information for the present record owner of tract.
- (4) Zoning district, and present use of all contiguous property.
- (5) All existing and proposed streets and easements, their names, route numbers, and widths; sidewalks; existing and proposed utilities; and watercourses and their names.
- (6) Location, type, and size of vehicular entrance(s) to or on the property.
- (7) Location, type, size, and height of fencing, retaining walls, and walls.
- (8) Location, type, and size of all landscaping requirements, including those required by the zoning ordinance or proffers, or conditions of a conditional use permit or certificate of approval.
- (9) Lighting plan that includes location, type, and size, and foot candle at property line of any lighting, and any other lighting requirement in the zoning ordinance or proffers, or conditions of a conditional use permit or certificate of approval. Cut sheets and manufacturer specifications are required to ensure dark-sky compliance.
- (10) Location, size, and building materials for dumpster enclosures, refuse containers, collection boxes, or other accessory structures related to the collection of refuse on the property, and related screening.
- (11) All off-street parking, loading spaces and walkways, stating type of surfacing, size, stall angles, aisle widths, and a specific schedule showing the number of parking spaces required and provided.
- (12) Number of floors, floor area, floor area ratio, height and location of each building, and proposed general use for each building. For a multi-family residential building, show the number, size and type of dwelling units.
- (13) All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types, and grades, and where connection is to be made to the county's or another utility system.
- (14) Provisions for the adequate disposition of stormwater management compliance. Location of floodways, 100-year floodplains, and wetlands.
- (15) Existing topography with a maximum of two-foot to five-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations should be used where necessary, but not more than 50 feet apart in both directions.

- (16) Proposed finished grading by contours supplemented, where necessary, by spot elevations.
  - (17) All horizontal dimensions shown on the plan must be in feet and decimals of a foot to the nearest 0.01 foot; and all bearings should be in degrees, minutes and seconds to the nearest 10 seconds.
  - (18) Erosion and sedimentation control plans as required by chapter 5 of this code, relating to stormwater management and erosion and sediment control.
  - (19) A copy of any conditional use permit conditions, rezoning proffers, certificate of approval conditions, and other special approval which has been granted.
  - (20) Compliance with minimum yard setback requirements.
  - (21) If the U.S. Postal Service requires cluster mailbox units for new residential communities, then provide pull-off locations, type, and collection box dimensions.
- C. Plans of development may be revised through this same process.  
(Ord. No. 5574, § 1, 1-3-23)

**Sec. 15-315. POD administrator's review.**

The POD administrator is responsible for checking the plan of development for general completeness and compliance, for causing all reviews to be completed on time, and for ensuring that the approving authority acts on the plan of development within 30 days of receipt, except under extraordinary circumstances.

- A. The POD administrator will review all entrances and exits to the property and, where entrances or exits are to state roads, will send the plan of development to the Virginia Department of Transportation for review. If either the POD administrator or the Virginia Department of Transportation disapproves an entrance or exit, the plan of development must be amended to provide an alternate entrance or exit.
- B. The POD administrator will review plans of development to determine if they conform to the standards and requirements set forth in this article and other applicable life, health, or safety regulations, such as the building and fire prevention codes, with respect to the following:
  - (1) The appropriate location and design of vehicular entrances and exits in relation to streets providing access to the property, and in relation to pedestrian traffic.
  - (2) The Virginia Department of Transportation's approval for the location and design of vehicular entrances and exits to and from state-maintained roads and highways.
  - (3) Location and adequacy of vehicular parking areas and loading/unloading areas.
  - (4) Adequate provision for traffic circulation and control within the property, and providing access to adjoining property.
  - (5) Adequacy of drainage.
  - (6) Sufficient erosion and sediment control measures.
  - (7) Compliance with the requirements of zoning proffers, conditional use permit conditions, and certificates of approval conditions.
  - (8) Adequate provision to ensure public safety, including fire protection facilities.
- C. In addition, the POD administrator will seek review of the plan of development, as appropriate, from the environmental health division of the health department, the utility department, building official, or fire marshal, with respect to the following:
  - (1) Adequacy of water supply, fire protection, and sanitary sewer facilities.

- (2) If sewage disposal facilities other than public sanitary sewers are involved, the health department's environmental health division will review the adequacy of septic tanks and other sewage disposal facilities.

**Sec. 15-316. Required improvements.**

Plans of development are required to provide for the following improvements:

- A. Unless the POD administrator grants an exemption, businesses required to have more than 10 parking spaces must construct driveways and off-street parking areas with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete or equivalent paving material. Businesses required to have 10 or fewer parking spaces may provide a gravel surface, except that all required handicapped parking spaces must be paved in accordance with the standards set out above. Driveways connecting to public rights-of-way are required to meet all Virginia Department of Transportation requirements.
- B. Design of vehicular travel lanes or driveways:
  - (1) Vehicle travel lanes and driveways must be designed in accordance with the parking and loading requirements of this chapter.
  - (2) Multi-family developments with more than 82 dwelling units must have a minimum of two separate, permanent points of access onto public roads. Until the second point of access is fully installed, certificates of occupancy will not be issued for any structures that would cause the total number of dwelling units in the development to exceed 82.
  - (3) When single-family dwellings and townhouses are located within the same development, each dwelling unit is counted towards the number of lots for access purposes, unless a conceptual plan was approved prior to January 1, 2020.
- C. All easements must be clearly defined for the purpose intended. Access easements are required to ensure adequate and safe access to public rights-of-way.
- D. Where needed, adequate numbers and spacing of "No Parking" signs.
- E. Installation of road extension signs for stub roads.
- F. Designation of pedestrian walkways so patrons may walk amongst businesses and to the parking areas.
- G. Connection, wherever possible, of all walkways, travel lanes, and driveways with similar facilities in adjacent developments.
- H. Screening, fences, walls, as required under this article, other ordinances, proffers, conditions, or Virginia Department of Transportation regulations.
- I. Adequate drainage system for the disposition of storm and natural waters. In those cases where existing parking facilities do not have curb and gutter, curb and gutter will not be required for any parking lot expansion. Properties and waterways downstream from developments must be protected from damage due to increased volumes, velocity, and peak flow rates of stormwater runoff. Concentrated stormwater runoff leaving a developed property must be discharged directly into an adequate natural or manmade receiving channel, pipe, or storm sewer system, or the development must include stormwater detention/retention on site. All detention/retention facilities must be maintained.
- J. If more than one acre of land disturbance is proposed, an approved Virginia stormwater management permit is required.
- K. Temporary and permanent erosion and sediment control measures.

**Sec. 15-317. Accessibility guidelines.**

All facilities are required to comply with the Uniform Federal Accessibility Standards, the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, and other, similar federal, state, or local laws, rules or regulations.

**Sec. 15-318. Proffers and conditions.**

Proffers or conditions specific to the property take precedence over the requirements of the zoning ordinance.

**Sec. 15-319. Sureties and fees.**

Unless all required improvements are fully constructed prior to the approval of the plan of development, no plan of development will be approved unless the owner or developer executes an agreement to construct any required roads, parking, utilities, landscaping, lighting, or similar improvements within a time frame determined by the POD administrator. The POD administrator may require surety in an amount sufficient to cover the estimated cost of the required physical improvements as determined by the appropriate county departments. The form, adequacy, terms, and conditions of the surety must be acceptable to the POD administrator and county attorney.

**Sec. 15-320. Approvals and extensions.**

An approved plan of development expires five years after approval, unless building permits have been obtained for construction. The POD administrator may grant a single, one-year extension, upon applicant's written request, if the request is filed more than 60 days before the expiration of the approved plan of development. The POD administrator will promptly acknowledge receipt of the request and make a decision on the extension request within 30 days of receipt.

**Sec. 15-321. Right to appeal.**

The POD administrator's decision regarding a plan of development may be appealed to the board of zoning appeals pursuant to Sec. 15-492.

**Sec. 15-322. Timing of improvements.**

A. No building permit will be issued for any structure in any areas covered by a plan of development except in conformity with the approved plan of development.

B. Residential development with an approved plan of development must construct or complete required subdivision improvements as follows:

- (1) *Building permit.* Prior to issuance of a building permit for any structure, the following access improvements must be installed, per approved plans, from the nearest subdivision entrance to the farthest property line of each building lot:
  - a. The subdivision entrance road, for a distance of 50 feet from the existing edge of pavement, and its associated turn lanes using a minimum of base course pavement, except if the specified pavement section has only one layer of pavement and no base coat of pavement on the approved plans, then only the base gravel layer;
  - b. Roads to the building lot in compliance with the approved road section and at a minimum, the base gravel layer; and
  - c. Approved street signs and other required road signage; however, temporary signage is allowed. Unless otherwise approved by the POD administrator, temporary signs must be

placed in a position that is visible from approaching vehicles and are required to be of a durable material with each sign face containing the full name of the street, or other applicable information, in reflective letters that are at least four inches (4") in height.

- (2) *Completion of required improvements.* By the earlier of issuance of building permits for 80% of the lots on the plan of development, or 18 months from the recordation of the underlying final plat, the developer must complete all required improvements, including, but not limited to, subdivision entrances, turn lanes, roads, sidewalks, curbs, gutters, fire protection improvements, landscaping, and permanent street signs. Once the applicable standard has been reached, no additional building permits will be issued until the required infrastructure is completed. For developments having public roads, completed means the roads have been accepted into the state system for maintenance.
- (3) *Multiple entrances.* If the subdivision or phase plans include more than one entrance, the second entrance, turn lanes and associated road improvements must be fully installed before the earlier of (a) issuance of the 50th building permit or (b) if phased plans, before the total number of issued building permits in the subdivision exceeds 49.
- (4) *Phased developments.* For subdivisions being done in multiple phases, each phase must meet these criteria.

C. Inspection and supervision during installation.

- (1) No street or storm sewer work on the plan of development may begin unless the POD administrator has been provided at least 24 hours' notice.
- (2) One set of approved plans, profiles and specifications must be available on the property at all times when work is being performed. A designated, responsible person must be available to be contacted by county inspectors.
- (3) The installation of improvements as required in this section does not require the county to maintain, repair, or operate the improvements. The developer is obligated to construct and maintain all required improvements until the appropriate agency or entity approves and/or accepts responsibility for maintenance of the improvements. This includes, but is not limited to, snow removal on streets and sidewalks until acceptance of the public improvements by the applicable county, state, or other approving agency.

D. Occupancy certificate.

- (1) A final certificate of occupancy may be issued for any appropriately completed building or part of building, provided:
  - a. Other on-site construction and improvements included in the approved plan of development have been completed and have been inspected and accepted by the POD administrator or other appropriate county staff; and
  - b. Off-site improvements, if any, related to and necessary to service the section or property have been completed and inspected by the POD administrator or other appropriate county staff.
  - c. Required street trees and sidewalks have been installed on the property.
- (2) Prior to the issuance of a certificate of occupancy for any structure on an approved plan of development, the following improvements must be completed from the nearest subdivision entrance to the farthest property line of the building lot:
  - a. *Roads.* Pave the base coat or apply the final coat, as specified in the plan of development, for the entrance, turn lanes, and roads begun per subsection B; and

- b. *Fire protection.* Along the access improvements required in this section, the required fire protection improvements, including, but not limited to, emergency vehicle turnarounds, signage, access roads, water tanks, or hydrants.

E. Administrative relief from certain provisions.

- (1) The community development director is authorized to grant relief to the requirements of subsections B.1, B.2 or D.2.a and to allow 1) issuance of a building permit or 2) temporary certificate of occupancy to be valid for a designated time as follows:
  - a. Relief from the base course paving requirement of subsection B.1.a or D.2.a may be approved for a total of no more than three lots in any subdivision if the required gravel base layer has been installed.
  - b. Relief from the sidewalk and landscaping requirement of subsection B.2 may be approved to allow issuance of building permits for an additional 10% of the lots within the subdivision, if all other required improvements within the subdivision are complete and the exception does not interfere with acceptance of the subdivision's roads into the state system.
- (2) Any request for administrative relief must be in writing and contain detailed information showing that weather or other construction-related conditions, beyond the control of the subdivider/builder/developer, have occurred that prevented the installation of the required paving, sidewalks or landscaping together with a schedule for completion of the required improvements. In no case will relief be granted for required improvements of the subdivision entrance or turn lanes for longer than a 30-day period.
- (3) The community development director must furnish a written decision to the requestor within 10 days of receipt of the request for relief. In granting the requested relief, the community development director may impose conditions. The director should consider the following in considering the waiver request:
  - a. The needs of the subdivision residents for safe and convenient access to their residences.
  - b. Deterioration of the roads, drainage, and other improvements completed or partially completed.
  - c. The season of the year.
  - d. The number of occupied residences and the eligibility of the facilities for acceptance by the Virginia Department of Transportation.
- (4) After consideration of the above factors, the following findings should also be considered:
  - a. If the strict application of the ordinance would procedure undue hardship; and
  - b. If the granting of the administrative relief ill not be of substantial detriment to adjacent properties within the proposed development.
- (5) A copy of the decision will be provided to the requestor. In phased developments, each phase will be considered a separate project.

F. Surety and surety release. Additional provisions regarding sureties for subdivisions are located in Article 7, Section 3 of the subdivision ordinance.  
(Ord. No. 5574, § 1, 1-3-23)

**Sec. 15-323. Minor plan of development.**

The purpose of the minor plan of development process is to support and encourage small businesses and promote reinvestment in commercial properties. The county hopes that by easing the time and cost

associated with the POD process and by providing a quick review of minor site changes, property owners will be encouraged to make improvements to their properties which facilitate their business goals and improve the vitality of our community. This process is intended only for businesses that are proposing minimal land disturbance or changes in use to an existing developed property that can meet the requirements associated with the new use with minimal changes.

- A. *Applicability.* The minor plan of development is applicable to uses that are required to submit a plan of development, but meet all the following requirements:
- (1) Property is properly zoned for the proposed use.
  - (2) Property is located outside of a major village or overlay district.
  - (3) Proposed development does not disturb an area greater than 10,000 square feet.
  - (4) No changes to the existing access to the property or to the internal traffic flow on the property are required.
  - (5) Property meets applicable federal, state, and local requirements.
- B. *Submittal requirements.* Minor plans of development submitted in accordance with this section must comply with the provisions of the zoning ordinance.
- (1) Detailed description of all existing and proposed improvements.
  - (2) Scaled sketch that illustrates the following:
    - a. Boundary lines of the property.
    - b. Zoning district, geographic parcel identification number (GPIN), tax parcel identification number, and the name and contact information of applicant and/or property owner.
    - c. Location of all existing and proposed structures showing compliance with yard setback requirements.
    - d. Entrance locations and width.
    - e. Off-street parking areas including number of spaces and type of surface.
    - f. Location, type, and lumens for any outdoor lighting.
    - g. Location and number of sanitary facilities, where applicable.
    - h. Location of major environmental features.
    - i. Location of well and drain field.
    - j. Location and size of proposed signage.
    - k. Location, type, size, and height of fencing, retaining walls, and walls.
    - l. Adequate drainage system for the disposition of storm and natural waters. Properties and waterways downstream from developed properties must be protected from damage due to increased volumes.
    - m. Location of all outdoor lighting and a certification that it is dark-sky compliant.
    - n. A copy of any conditional use permit conditions, certificate of approval conditions, proffers, or other special approvals which apply.
- C. *Processing procedure.* The POD administrator is responsible for checking the plan of development for general completeness and compliance. The POD administrator will distribute plans for review to applicable county, state, and federal agencies. The POD administrator will ensure that all reviews are completed on time and that action is taken by the approving

authority on the minor plan of development within 30 days of receipt of the complete application, except under abnormal circumstances. The POD administrator will make all decisions to approve or deny a minor plan of development.

- D. *Required improvements.* The following improvements for parking areas are permitted:
- (1) For uses that are deemed to require one to 25 parking spaces, parking areas may be gravel.
  - (2) For uses that are deemed to require 26 or greater parking spaces, driving and required parking areas must be covered with one or more of the following materials: bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
  - (3) No landscape plan is required.
- E. *Other applicable sections.* Sec. 15-319 through 15-321 apply to all minor plans of development.

**Sec. 15-324. Rural plan of development.**

The purpose of the rural plan of development process is to support and encourage agribusiness uses. The rural plan of development reduces the time and expense of the plan of development approval process. This process is intended only for agribusiness uses that are located on properties with a farm operation and no other rural businesses.

- A. *Applicability.* The rural plan of development is applicable to uses that are required to submit a plan of development, but can meet all the following requirements:
- (1) Property is zoned agricultural, general (A-1) or agricultural, limited (A-2).
  - (2) Use is an agribusiness use or a farmers' market as defined in article 31 of this ordinance.
  - (3) Use requires a county business license.
  - (4) Property abuts and has direct access to a state-maintained road.
  - (5) Property meets applicable federal, state, and local requirements.
  - (6) Property disturbance or changes to land use/cover are no greater than one acre. Properties where land disturbance associated with the development is greater than 10,000 square feet will require a land disturbance permit in addition to the rural plan of development.
- B. *Submittal requirements.* Every rural plan of development must contain information required in subsections (1) and (2) listed below, and comply with all provisions of the zoning ordinance.
- (1) Detailed description of all existing and proposed improvements on the property.
  - (2) Scaled sketch that illustrates the following:
    - a. Boundary lines.
    - b. Zoning district, geographic parcel identification number (GPIN), tax parcel identification number, and the name and contact information of applicant and/or property owner.
    - c. Location of all existing and proposed structures showing compliance with yard setback requirements.
    - d. Entrance locations and width.
    - e. Off-street parking areas including number of spaces and type of surface.
    - f. Location, type, and lumens for any outdoor lighting.
    - g. Location and number of sanitary facilities, where applicable.
    - h. Location of major environmental features.

- i. Location of well and drain field.
  - j. Location and size of proposed signage.
  - k. Location, type, size, and height of fencing, retaining walls, and walls.
  - l. Adequate drainage system for the disposition of storm and natural waters.
  - m. A copy of any conditional use permit conditions, certificate of approval conditions, proffers, or other special approvals.
- C. *Processing procedure.* The POD administrator is responsible for checking the plan of development for general completeness and compliance. The POD administrator will distribute plans for review to applicable county, state, and federal agencies. The POD administrator will ensure that all reviews are completed on time and that action is taken by the approving authority on the rural plan of development within 30 days of the completed application, except under abnormal circumstances. The POD administrator will make all decisions to approve or deny a rural plan of development.
- D. *Required improvements.* The following improvements for parking areas are permitted:
- (1) For uses that are deemed to require one to 25 parking spaces, no improvements to drive or parking areas are required.
  - (2) For uses that are deemed to require greater than 25 spaces, driving and required parking areas must be covered with one or more of the following materials: gravel, bituminous surface treatment, bituminous concrete, concrete, or equivalent paving material.
  - (3) No landscape plan is required.
- E. *Other applicable sections.* Sec. 15-319 through 15-321 apply to all rural plans of development.

**Sec. 15-325. Administrative waiver.**

The community development director may waive plan of development application and fee requirements if, upon review of land disturbance and/or building permit application, it is determined that the proposed work would not be cause for any site improvements or actions that might otherwise be required by the plan of development process and regulations. A POD waiver request must be filed in writing with the POD administrator.

**Sec. 15-326. Plan of development compliance.**

It is unlawful for any person to construct, erect, or substantially alter any building or structure, or develop, change, or improve land for which a plan of development is required except in accordance with an approved plan of development. Deviation from an approved plan of development without the written approval of the director of community development shall void the plan and require the submission of a new plan of development for approval.

(Ord. No. 5574, § 2, 1-3-23)

**Secs. 15-327—15-330. Reserved.**

## ARTICLE 22. PARKING AND LOADING REQUIREMENTS

### Sec. 15-331. Off-street parking and loading/unloading requirements.

A. *Minimum off-street parking.* When any main building is constructed, enlarged, or structurally altered and converted to another use, adequate minimum off-street parking spaces must be provided as follows:

Land Use	Required Parking*
<b><i>Agricultural/Natural Resources</i></b>	
Abattoir	1/employee
Farm and feed supply	1/200 sq. ft. of sales area
Farm equipment sales and service	1/500 sq. ft.
Farmers market; vendor or produce stand	2, plus 1/1,000 sq. ft. of outdoor display area (under tent)
Greenhouse/nursery - retail	1/500 sq. ft., plus 4/ac. of outdoor sales, display or service area
Meat, poultry, and fish processing	1/employee
<b><i>Residential</i></b>	
Accessory dwelling unit, attached or detached	1/bedroom
Assisted living facility; group home of eight or fewer	1/4 beds
Bed and breakfast	1/guestroom; plus 1/operator
Cluster mailboxes	2 spaces if serving more than 16 lots
Community clubhouse, neighborhood	1/500 sq. ft.
Continuing care retirement community	1/independent dwelling unit; 1/3 patient beds; 1/employee on maximum shift
Dwelling, single-family detached	1/dwelling unit
Dwelling, two-family	1.5/dwelling unit
Family health care structure, temporary	1/dwelling unit
Housing, ground level-temporary, operated by nonprofit group	1/bedroom
Housing, second story, not to exceed 50% of the total area of the building	1/bedroom
Multifamily; multifamily age-restricted	2/dwelling unit (multifamily); 1.5/dwelling unit (age-restricted)
Senior congregate care living facility	1/independent dwelling unit; 1/employee on maximum shift
Short-term rental, hosted	1/guestroom; plus 1/operator
Short-term rental, unhosted	1/bedroom
<b><i>Commercial and Office</i></b>	
Adult business	1/200 sq. ft.
Adult day care center	1/350 sq. ft.
Animal boarding; animal kennel	1/500 sq. ft.
Animal grooming	1/300 sq. ft. for boarding areas (excluding exercise areas)
Antique shop; gift shop	1/300 sq. ft.
Art studio, school, or gallery	1/400 sq. ft.
Automobile sales or rental; motor vehicle, watercraft, motorcycle and commercial and industrial truck sales; service of these vehicle types within an enclosed building	1/400 sq. ft. of enclosed sales, rental, office and parts area excluding service areas; plus 1/2,500 sq. ft. of outside display area; plus 3/bay
Automobile repair; gas station; service station station	1/employee, plus 4/bay
Bakery	1/300 sq. ft.
Barber shop; beauty shop	1/300 sq. ft.

<b>Land Use</b>	<b>Required Parking*</b>
Bicycle sales and repair shop	1/400 sq. ft.
Campground; camp, day or boarding	2; plus 1/campsite
Carwash	1/employee
Cemetery, commercial	1/300 sq. ft. of office area
Cemetery, private	1
Child care center	1/350 sq. ft.
Club, private	1/3 members
Convenience store	1/200 sq. ft.
Dance school; music or martial arts instruction	1/400 sq. ft.
Drycleaner; laundromat	1/300 sq. ft.
Electric vehicle charging station	1/charging station
Family day home, fewer than six children	1/5 children, plus required parking for dwelling unit
Financial institution; bank	1/300 sq. ft.
Funeral home	1/50 sq. ft. (excluding storage and work areas)
Furniture store	1/1,000 sq. ft.
Hotel; motel	1/guestroom
Office, medical	1/300 sq. ft.
Office, professional	1/400 sq. ft.
Packing and mailing services	1/200 sq. ft.
Personal services	1/300 sq. ft.
Pharmacy; drugstore	1/250 sq. ft.
Retail uses	1/300 sq. ft.
Retail trade establishment which serves the needs of the neighborhood	1/300 sq. ft.
Repair services such as computers, home appliances, and TV	1/400 sq. ft.
Recreation vehicle, motor homes, travel trailer, and camper sales	1/300 sq. ft. of showroom/retail sales area; plus 1/employee
Sales of trucks, trailers, equipment, and tools	1/400 sq. ft.; plus 1/3,000 sq. ft. of outdoor display
Self-storage facility; mini-warehouse facility	1/10,000 sq. ft. devoted to self-storage, plus any floor area devoted to office space must meet office parking requirement
Small wind turbine	1
Shopping center	1/250 sq. ft. of gross leasable area, excluding unfinished storage areas
Taxi service; limousine service	1/300 sq. ft.
Taxidermy	1/400 sq. ft.
Travel plaza; truck stop	1/200 sq. ft., plus 1 truck space/10,000 sq. ft. of site area
Truck hauling operation, four or more trucks	1/employee
Veterinary services; animal hospital; animal boarding place; animal shelter	1/500 sq. ft.
<b>Food/Beverage</b>	
Bar; nightclub	1/100 sq. ft.
Brewpub	1/100 sq. ft.
Microbrewery; distillery; winery; cidery; associated uses with public assembly	1/4 seats, up to 50% of the required spaces may be located off-site, if use complies with Sec. 15-332
Restaurant, drive-in/takeout	1/50 sq. ft., 15 minimum
Restaurant, sit down	1/100 sq. ft.
<b>Recreation</b>	
Athletic field and other commercial recreation	30/field
Club; lodge	1/3 members
Country club; golf club; private club	1/2 employees, plus 3/hole

<b>Land Use</b>	<b>Required Parking*</b>
Driving range	1/tee
Golf course, public	1/2 employees, plus 3/hole
Golf course, miniature	2/hole
Gun range, indoor and outdoor; rifle range; skeet shooting range; similar range or course; gunsmith shop	1/shooting station
Health club; fitness center and gymnasium; training facility	1/250 sq. ft.
Skating rink; swimming pool; other similar entertainment facility	1/50 sq.
Tennis, racquetball, squash and handball court	4/court
Theater, indoor	1/4 seats
Theater, outdoor	Per POD approval
<b>Public/Institutional</b>	
Animal shelter	1/500 sq. ft.
Broadcasting studio	1/1,000 sq. ft.
College; university	1/2 classroom seats; plus 1/auditorium seat
Convention hall; conference center	1/4 seats, up to 50% of the required spaces may be located off-site, if use complies with Sec. 15-332
Fire and rescue station	1/employee shift
Governmental building	1/300 sq. ft.
Government maintenance or storage facility	1/employee; plus 4/bay
Hospital	1/2 patient beds
Library	1/500 sq. ft.
Nursing home; assisted living facility	1/4 beds
Park and ride facility	Per POD approval
Park; playground; public recreational facility	1/600 sq. ft. of usable recreational area
Public assembly uses	1/4 seats, up to 50% of the required spaces may be located off-site, if use complies with Sec. 15-332
Residential facility, children (therapeutic group home)	2; plus 1/non-resident
School, public/private	High school: 6/classroom; middle and elementary school: 4/classroom
Worship uses	1/4 seats, up to 50% of the required spaces may be located off-site, if use complies with Sec. 15-332
<b>Industrial</b>	
Airport	1/2 tie-downs or hangar spaces, plus 1/vehicle garaged onsite
Asphalt mixing plant; concrete mixing plant	1/2 employees
Automobile storage lot	Per POD approval
Cabinetmaking, furniture and upholstery shop	1/2 employees
Catering; commercial kitchen	1/200 sq. ft.
Composting facility	1/2 employees
Contractor equipment storage yard, plant, or rental of equipment	1/commercial vehicle; plus 1/employee
Data center	1/300 sq. ft.
Debris landfill	Per POD approval
Game preserve	1/station; plus 1/employee
Laboratory, pharmaceutical/medical	1/300 sq. ft.
Lumber, building, fencing supplies, and equipment	1/400 sq. ft., plus 1/3,000 sq. ft. of outdoor display area
Manufacture, assembly, or fabrication, light	1/2 employees
Manufacture, assembly, or fabrication, heavy	1/2 employees
Material recovery facility	Per POD approval

Land Use	Required Parking*
Metal product assembly, cutting and fabrication	1/2 employees
Outdoor storage	Per POD approval
Petroleum storage	1/employee
Planned development park	Per POD approval
Plumbing and electrical supply	1/employee
Printing; other similar reproduction facility	1/employee
Sand and gravel pit; quarry; mining	Per POD approval
Truck terminal	1/1,000 sq. ft. of gross warehouse floor area. Parking for office/sales area to be calculated separately and required in addition to the space(s) required herein.
Wholesale business, store or warehouse	Wholesale: 1/400 sq. ft.; warehouse: 1/2,000 sq. ft.
Wildlife preserve; conservation area; woodland preserve; arboretum	1/station; plus 1/employee
<b>Utilities</b>	
Public utility generating station; transmission substation; transmission line other than normal distribution facility	1/employee
Telecommunication facility; radio tower	1/site

\*Square footage means gross square footage, unless otherwise specified.

B. *Off-street loading and/or unloading requirements.* Except as otherwise provided in this article, when any building or structure is hereafter erected or structurally altered to increase the floor area by 25% or more, or any building is hereafter converted, for the uses listed below and containing the floor area specified, accessory off-street loading and/or unloading spaces must be provided as follows:

Use	Number of Unloading Spaces
Meat processing facility, limited	1
<i>Retail grocery store and department store</i>	
4,000—10,000 sq. ft. of floor area	1
10,001—20,000 sq. ft. of floor area	2
Each 10,000 or fraction thereof over 20,001 sq. ft.	1
Restaurant greater than 4,000 sq. ft.	1
<i>Hospital, or similar institution, or place of public assembly</i>	
10,000—50,000 sq. ft.	1
Each 50,000 sq. ft. over 50,000 sq. ft.	1 additional
<i>Wholesale warehouse, general service manufacturing, or industrial establishment</i>	
15,000—30,000 sq. ft.	1
Each 50,000 sq. ft. over 30,000 sq. ft.	1 additional

(Ord. No. 5542, § 4, 12-6-22)

**Sec. 15-332. Joint use of off-street parking facilities.**

A. All required parking spaces must be located on the same lot with the building or use served, except non-residential buildings may have spaces located up to 600 feet away.

B. Parking spaces required for the following uses may be jointly used, provided that a written agreement of the shared parking is properly executed and recorded:

- (1) Theaters, public auditoriums, bowling alleys, dance halls, nightclubs, and other uses with non-traditional business operating hours may be jointly used with banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours.

- (2) Up to 100% of parking spaces required for a public assembly use which operates only on weekends.

**Sec. 15-333. Design standards for off-street parking facilities.**

A. *Minimum area.* An off-street parking space is defined as an all-weather surface area (unless gravel is permitted) not in a street or alley which is not less than 162 square feet, at least nine feet wide, and a minimum of 18 feet long, and is permanently reserved for the temporary storage of one vehicle, and connected with a street or alley by a paved driveway (unless gravel is permitted) which affords ingress and egress for two-way traffic.

B. *Drainage and maintenance.* Off-street parking facilities must be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys, and surfaced with erosion resistant materials as specified in chapter 5, article II, of this code, relating to soil erosion and sedimentation control.

C. *Required setback.* Off-street parking spaces may be located in a yard, but must be separated from walkways, sidewalks, streets, or alleys by a wall, fence, curbing, or other approved protective device, or by a distance of at least five feet, so that vehicles cannot protrude over a property line.

D. *Entrances and exits.* Entrances and exits must be located and designed in accordance with the requirements of applicable regulations and standards, including Article 23, Access Management. In general, it is recommended that not more than one entrance and one exit, or one combined entrance and exit be allowed along primary roads (Route 6, Route 250, and Route 522). Landscaping, curbing, or approved barriers must be provided along lot boundaries, to control vehicle entrance and exit.

E. *Interior drives.* Interior drives must be of adequate width to serve a particular design arrangement of parking spaces, according to the following schedule: Aisles cannot be less than 24 feet for 90 degree parking; 18 feet for 60 degree parking; 13 feet for 45 degree parking; and 10 feet for 30 degree parking. Aisles serving spaces angled other than 90 degrees can only be one-way. Any drive aisle abutting a building/structure is required to be at least 20 feet wide to allow for safe maneuverability and emergency services access; an additional 10 feet in aisle width is required for drive aisles abutting loading areas; this additional ten-foot wide area may be used to meet the minimum parking and loading space parking requirements, if designed and striped as parallel parking.

F. *Marking.* Parking spaces are required to be marked by painted lines, curbs, wheel stops, bumper blocks or other means to indicate individual spaces. Signs or markers should be used as necessary to ensure efficient traffic operation on the lot. Curbs, wheel stops, bumper blocks or other approved means must be used when parking spaces are angled at other than 90 degrees to prevent vehicles from pulling through vacant parking spaces and entering a one-way aisle from the wrong direction.

G. *Lighting.* Adequate lighting must be provided if off-street parking spaces are to be used at night. The lighting must be arranged and installed to minimize glare onto adjoining residential properties or public highways.

H. *Screening.* When off-street parking spaces for 10 or more automobiles are located closer than 50 feet to a lot zoned residential or on which there is a dwelling, a continuous, visual screen with a minimum height of six feet must be provided between the parking areas and that lot. The screen must consist of a compact evergreen hedge, foliage, or an ornamental wall or fence.

I. *Handicapped parking.* Handicapped parking spaces must be provided as required by the Virginia Uniform Statewide Building Code.

**Secs. 15-334—15-340. Reserved.**



## ARTICLE 23. ROADS AND ACCESS MANAGEMENT\*

### Sec. 15-341. Statement of intent.

The intent of this article is to manage access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. Roads serve as the primary network for moving people and goods, provide access to businesses and homes, and are a priority for safe, well-designed commercial and residential development. This article balances the right of reasonable access to private property with the right of the people to safe and efficient travel on public rights-of-way.

To achieve its purpose, roads are categorized by function and classified for access purposes on their level of importance, with highest priority given to the state highway system and second priority to the primary network of regional arterials. Access management regulations are applied to roads for the purpose of reducing traffic accidents, personal injury, and property damage attributed to poorly designed access systems; thereby improving the safety and operation of the road network. This protects the substantial public investment in the existing transportation system and reduces the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed roads and access systems. Finally, these regulations support the goals of the major thoroughfare plan. (Ord. No. 5970, § 2, 7-2-24)

### Sec. 15-342. Access management classifications.

The following access classifications may be assigned to major thoroughfares under state and local jurisdiction. Since different roads serve different purposes, a ranking system for roadways in the county has been developed to determine the appropriate application of designs and strategies. These categories are based on the future roadway travel characteristics and as presented on the major thoroughfare plan. The roadways are assigned to one of six access categories with access category 1 being the most restrictive and access category 6 being the least restrictive. If there is a difference in classification of a road between VDOT and the major thoroughfare plan, then the most restrictive classification applies. The access categories are as follows:

#### *Access Category 1: Interstate and Limited Access*

- High speed
- High traffic volume
- Strong emphasis on mobility for through traffic
- Long distance travel
- No right to direct access

#### *Access Category 2: Principal Arterials*

- Highways that supplement the federal interstate system
- High speed
- High traffic volume
- Controlled access
- Connect minor arterials and collectors to interstate or limited access roads

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\***Editor's note**—Ord. No. 5970, § 1, adopted July 2, 2024, repealed the former art. 23, §§ 15-341—15-362, and enacted a new art. 23 as set out herein. The former art. 23 pertained to similar subject matter and derived from the original codification.

- Serve regional traffic
- Emphasis on mobility

*Access Category 3: Minor Arterials*

- Emphasis on preserving safety and capacity of roadway
- High speed
- Moderate traffic volume
- Rural areas
- Emphasis on mobility
- Serve regional and local traffic

*Access Category 4: Major Collectors*

- High speed
- Lower volume
- Rural areas
- Serve primarily local traffic
- Distribute trips from arterials through large residential, industrial, or commercial areas, collect traffic from local streets, and channel it to the arterial system

*Access Category 5: Minor Collectors*

- High traffic volume
- Low speed
- Focus on balancing mobility and access, but mostly access
- Located in designated villages, planned developments, and large residential neighborhoods to serve as access and traffic circulation for residential units

*Access Category 6: Local Roads*

- Provide access to arterials and collectors
- Focus on mobility and access, but mostly direct access to adjacent land
- Serve local traffic with through traffic discouraged in high volume areas
- Low to moderate traffic volumes
- Within designated villages, serve as access to minimize volume and encourage multiple connections
- Low speed

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-343. Roads generally.**

A. *Right-of-way width.* Unless otherwise provided in this chapter, all roads, public or private, are required to have right-of-way widths that are the greater of 50 feet or the ultimate right-of-way. The required right-of-way must be dedicated to the county or state, as applicable, prior to plan of development approval for nonresidential or mixed-use development, or at time of final plat approval for a residential subdivision. Related easements for drainage, water quality, traffic devices, and all others

necessary to support the proposed roadway are required to be dedicated for public use in a form acceptable to the county attorney and VDOT. If a proposed development abuts an existing road that does not have the ultimate right-of-way width, the developer or subdivider is required to dedicate additional right-of-way along the property frontage to allow for future road widening.

B. *Access to certain roads.* Good transportation planning requires limited access to arterial and collector roads; accordingly, vehicular access to arterial or collector roads must be approved by the director of community development at either plan or plat review, whichever first occurs.

C. *Roads to be public.*

- (1) Except as provided herein, roads must be designed and constructed to be public roads and accepted into the state system for road maintenance;
- (2) Private roads may be utilized where:
  - a. A road in a townhouse, multifamily, or mixed use development is determined at the plan of development to not provide general traffic circulation;
  - b. A road in a minor subdivision provides access to an arterial or collector road for no more than 4 lots, or where a family subdivision provides access for not more than 6 lots; or
  - c. Approved by the board of supervisors at the time of zoning.

Private roads must be designed and constructed to the minimum standard established by the subdivision street requirements of the Virginia Department of Transportation, or, if more restrictive, then to the standard prescribed by the zoning ordinance, except that roads in C.2.b. must only comply with applicable provisions of the subdivision ordinance.

D. *Required improvements.* The developer must provide road and related improvements necessary to meet the need generated by the development.

E. *Road design and construction.*

- (1) Unless a higher standard is required by this chapter, the subdivision ordinance, or the Goochland county Fire Prevention Code, road design and construction standards must comply with VDOT standards.
- (2) In addition to minimum side, front, and rear yard setbacks and building spacing requirements, all buildings and other improvements, such as landscaping, must be arranged to provide safe and convenient access for emergency vehicles.
- (3) For residential developments, where two fire apparatus access roads are required, they must be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. Where compliance with the required distance between the two roads is technically infeasible due to site conditions or other unusual circumstances, the distance may be reduced, by the fire code official, to achieve compliance to the maximum extent technically feasible.
- (4) Bonding and plan submittal requirements for road design and construction are covered in the applicable plan review processes of this Code.
- (5) In addition to this section, subdivision road design and construction must be done in accordance with the subdivision ordinance, the typical road sections in Section 15-512, and the following:

<b>Goochland County Subdivision Street Standards</b> <sup>(1)</sup>								
Subdivision Street Class	Maximum Posted Speed Limit (MPH)	Minimum Right of Way Width	Driveway Access Allowed?	Roadside Treatment	Min. Utility Strip/Shoulder Width (2)	On Street Parking Allowed?	Minimum Pavement Width (3)	Sidewalk Required?
Urban Residential Collector	35 (4)	50'	No	C&G	4'	No	26'	Yes - 5' Min
Rural Residential Collector	35 (4)	56'	No	Ditch	6' Shoulder	No	26'	No
Curb and Gutter	25	56'	Yes	C&G	3'	Yes	36'	Yes - 5' Min
Shoulder and Ditch	25	50'	Yes	Ditch	3' Shoulder	Yes	26'	No

Notes:  
 (1) All major subdivision roads, public or private, must be built in accordance with the most recent edition of the VDOT Road Design Manual except as described in this chart.  
 (2) Minimum Utility Strip Widths under 6' do not allow for street trees or lighting. If landscaping/lighting desired, a minimum of 6' Utility Strip will be required.  
 (3) Pavement widths are measured Face of Curb to Face of Curb or Edge of Pavement to Edge of Pavement.  
 (4) Roads must be designed per current VDOT Urban Collector standards in Appendix A of the current VDOT Road Design Manual.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-344. Connection spacing requirements for roads.**

Road access connections, public or private, must comply with VDOT standards for public roads unless a higher standard is imposed by this chapter or under conditions of zoning.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-345. Joint and cross access.**

A. Adjacent commercial or office properties classified as major traffic generators (e.g., shopping centers, office parks) must provide a cross-access drive and pedestrian access to allow circulation between premises. Figure 1 below illustrates examples of cross-access corridor design. An access plan must be provided at time of plan of development review.

B. A system of joint use driveways and cross-access easements must be established wherever feasible and the property must incorporate the following:

- (1) A continuous service drive or cross-access corridor extending the entire length of each block served, to provide for driveway separation consistent with the access management classification system and standards.
- (2) A design speed of 10 mph and 24-foot roadway width to accommodate two-way travel aisles designed to accommodate vehicles, service vehicles, and loading vehicles, unless a greater width is required by the Goochland County Fire Prevention Code.
- (3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- (4) A unified access and circulation system plan that includes coordinated or shared parking areas, wherever feasible.

C. The following actions are required:

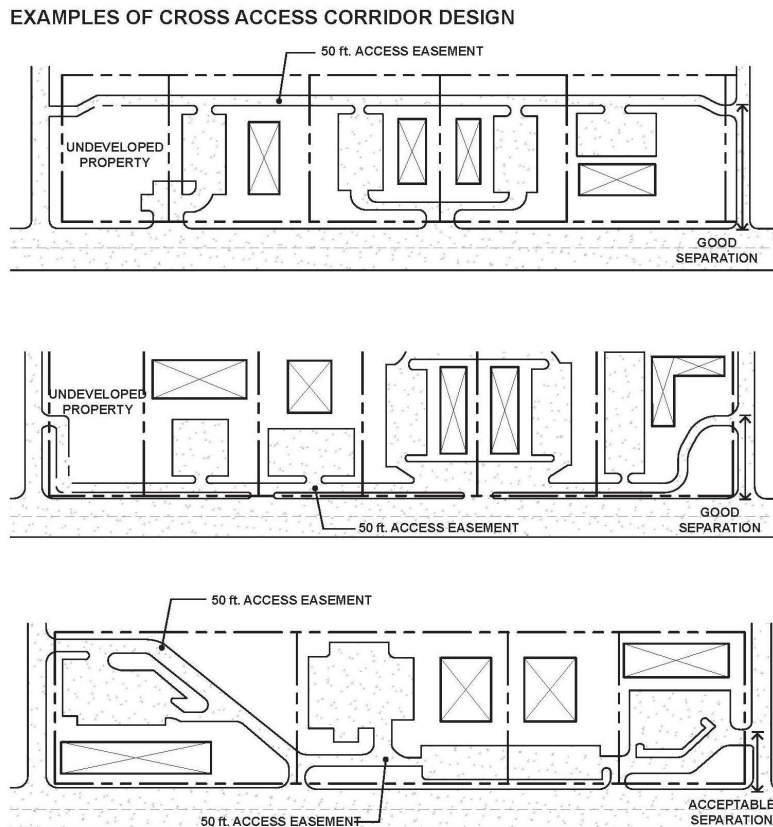
- (1) For plat approval, record an easement with the deed allowing cross-access to and from other properties served by the joint use driveways and cross-access or service drive; and
- (2) Record a joint maintenance agreement or covenants and restrictions with the deed defining maintenance responsibilities of property owners.

D. Required separation distance of access points may be reduced by the POD administrator where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross-access easements are provided wherever feasible in accordance with this section;
- (2) The site plan incorporates a unified access and circulation system in accordance with this section; and
- (3) The property owners enter into a written agreement with the county, recorded with the deed, that pre-existing connections on the property will be closed and eliminated after construction of each side of the joint use driveway.

E. The POD administrator may modify or waive the requirements of this section where the physical characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

**Figure 1. Examples of cross-access corridor design**



(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-346. Commercial driveway design.**

A. Commercial driveway width must meet the following guidelines:

- (1) If the driveway is one-way-in or one-way-out, then the driveway must be at least 20 feet wide and have appropriate signage designating the driveway as a one-way connection.

- (2) For two-way access, each lane must have a width of 15 feet; a maximum of five lanes will be allowed.
- (3) Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) at least 12 feet wide and one inbound lane at least 15 feet wide.

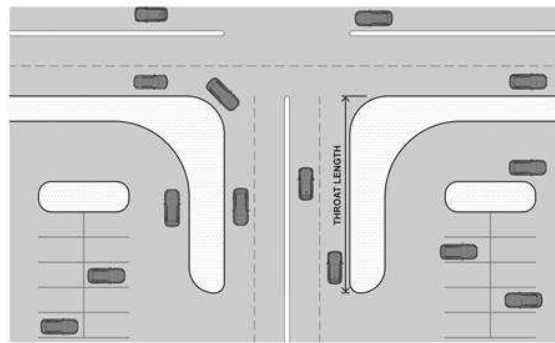
B. Driveway grades must conform to the requirements of the Virginia Department of Transportation subdivision street requirements.

C. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.

D. Driveway width and flair must be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but cannot be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.

E. The length of driveways or "throat length" (see Figure 2) must be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Variation from these can be permitted for good cause, upon approval of the POD administrator.

**Figure 2. Driveway throat layout**



(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-347. Requirements for outparcels and phased development plans.**

A. In the interest of promoting unified access and circulation systems, developments under the same ownership or consolidated for the purposes of development, and comprised of more than one building site, or phased development plans will not be considered separate properties in relation to access standards. The number of connections permitted will be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations must be met. The owner and all lessees within the affected area are responsible for compliance with the requirements of this article and can be cited for any violation.

B. All access to outparcels must be internalized using the shared circulation system of the principal development or retail center. Access to outparcels must be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles. Right-of-way for direct access to the road must be dedicated to the county and access dedication must be recorded with the deed.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-348. Non-conforming access features.**

Existing access connections that do not conform with these standards are non-conforming features and must be brought into compliance with applicable standards under the following conditions:

- A. When new access connection is requested;
- B. When there are substantial enlargements or improvements;
- C. With significant change in trip generation; or
- D. As road improvements allow.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-349. Additional requirements for classified roads.**

A. The minimum lot frontage on all public roads (except residential subdivision streets) cannot be less than the minimum connection spacing standards of that road, except as otherwise provided in this section. Flag lots cannot have direct access to any private road. Interior parcels must have access via a public or private road in accordance with this article. Flag lot driveways must be separated by at least twice the minimum frontage requirement of that zoning district.

B. Every tax map parcel fronting on a public road is entitled to one driveway, except as noted in subsection (2) below. When subsequently subdivided, either as metes and bounds parcels or as a recorded plat, these parcels must provide access to all newly created lots via the permitted access connection. This may be achieved through subdivision roads, joint and cross access, service drives, and other reasonable means of ingress and egress in accordance with the requirements of this article. The following standards apply:

- (1) Parcels with long road frontages may be permitted additional connections or driveways provided they are consistent with the applicable driveway spacing standards.
- (2) Existing parcels with road frontage less than the applicable minimum connection spacing may not be permitted a direct connection to the public road where the POD administrator determines alternative reasonable access is available.
- (3) Additional access connections may be allowed if the safety and efficiency of travel on the public road will be improved by providing more than one, based on the POD administrator's determination.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-350. Double frontage and residential subdivision lot access.**

A. Access to double frontage lots is required on the road with the lower access classification. Access should be designated on the plan of development or, for residential development, the final plat.

B. When a residential subdivision is proposed that would abut an arterial or collector road, it must be designed to provide abutting lots with access from an internal subdivision road. For major subdivisions that abut an arterial or collector road, a buffer is required to protect homes from traffic and to preclude direct lot access onto the arterial or collector road. Buffers must be located in open

space dedicated to the homeowners' association. Buffers are required to be located outside of ultimate right-of-way and existing easements. Buffers along collector roads must have a minimum width of 50 feet. Buffers along arterial roads must have a minimum width of 100 feet. However, specific exceptions to these requirements may be granted at time of rezoning. Future easements located parallel to the buffers can encroach into the buffers up to 10 feet along collector roads and up to 15 feet along arterial roads.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-351. Shared access.**

Developments with frontage on a public road, excluding interstate or limited access roads, must be designed to share public road access points.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-352. Connectivity.**

A. A proposed residential subdivision must be designed to coordinate with existing, proposed, and planned streets outside of the subdivision.

B. Wherever a proposed development abuts land suitable for future development or a future development phase of the same development, stub-outs must be provided as deemed necessary by the county to provide access to abutting properties or to logically extend the road network into the surrounding area. All stub-outs greater than 150 feet must have temporary turn-arounds unless specifically exempted. The restoration and extension of the road is the responsibility of any future developer of the abutting land.

C. Collector roads must intersect with collector or arterial roads at safe and convenient locations.

D. Local residential access roads must connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods and facilitate emergency access and evacuation, but such connections are not permitted if it would encourage substantial through traffic.

E. Proposed developments must connect to stub-outs on abutting properties. The POD administrator may waive this requirement for non-residential development proposed to abut single family residential development.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-353. Turn lanes.**

Auxiliary lanes (right and left turn lanes, and acceleration lanes) reduce the slowing and stopping of traffic that is caused by turning vehicles. The purpose of the auxiliary lane is to enhance motorist safety and to prolong the intended through function of the road. The lanes are needed wherever the anticipated volume of traffic turning at a site would be high enough in relation to the existing or anticipated future through traffic, the safety of motorists or residents may be at risk without the lanes, or other road or site-specific conditions exist that suggest that the health, safety, and welfare of residents or travelers on the road would best be served with auxiliary lanes. This determination will be based on characteristics of the particular development and the road under consideration.

A. *Commercial and industrial development.* Turn lanes will be provided as required by the Virginia Department of Transportation.

B. *Major subdivisions.*

- (1) All entrances onto major and minor arterial and collector roads must provide right turn lanes.

- (2) Developments that exit onto major and minor arterial or collector roads, and that have 10 or more lots must provide a left turn lane at each entrance. Developments with fewer than 10 lots must install a left turn lane if warranted by VDOT.
- (3) Developments that exit onto a local road, not internal to development (i.e., another section of same development) and that have more than 30 lots must provide a right turn lane.
- (4) Developments with more than 40 lots which are located on an existing local road where the speed limit is 45 mph or greater must provide a left turn lane in addition to the right turn lane.

*C. Major subdivision with entrances onto a road with a median.*

- (1) The primary entrance must be designed to align with an existing median break or be located pursuant to the Virginia Department of Transportation criteria for median break spacing.
- (2) In cases where, due to the location of the proposed development, the proposed entrance cannot align with an existing or proposed median break, the left turn lane requirement may be waived by the community development director.

*D. Board of supervisors waiver.* In conjunction with a rezoning request, including amendment, the board of supervisors may waive any requirements of this section. The following factors should be considered as part of the waiver request:

- (1) Sight distance, road alignment, and grade changes.
  - (2) Frequency of rear-end crashes along roadway.
  - (3) Traffic volume.
  - (4) Speed limit.
  - (5) Capacity analysis of receiving roadway.
- (Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-354. Traffic impact analysis.**

Traffic impact analyses (TIAs) are studies of the transportation needs and traffic impacts of a development on the surrounding road network and must be an integral part of the development review process. An analysis must be performed for each of the following situations:

- A. All major residential subdivisions with 20 or more lots.
- B. All commercial and industrial developments.
- C. All developments and redevelopments that are expected to generate more than 100 new peak-hour vehicle trips on the adjacent road.
- D. Development that generates fewer than 100 new peak-hour trips, if it affects local problem areas, including high accident locations, currently congested areas, areas of critical local concern, or when a review of the plan of development indicates the need for additional data.
- E. Any change in the land use or density that will increase the traffic generation on the adjacent street by more than 15%.
- F. When the original TIA is more than two years old, access decisions are still outstanding, and changes in development have occurred within the surrounding area.

(Ord. No. 5970, § 2, 7-2-24)

**Sec. 15-355. Variations.**

Variation from the standards is permitted at the discretion of the POD administrator if the granting of the variation is in harmony with the purpose and intent of these regulations and if every feasible option for meeting access standards has been explored. The applicant must provide proof of unique or special conditions that make strict application of the provisions impractical. Under no circumstances will a variance be granted, unless not granting the variation would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance will be granted if the hardship is self-created. In exercising discretion, the POD administrator should consider the following:

- A. Indirect or restricted access cannot be obtained;
  - B. No engineering or construction solutions can be applied to mitigate the condition; and
  - C. No alternative access is available from a street with a lower functional classification than the primary roadway.
- (Ord. No. 5970, § 2, 7-2-24)

**Secs. 15-356—15-370. Reserved.**

**ARTICLE 24. LANDSCAPING****Sec. 15-371. Statement of intent.**

The purpose of this article is to promote public health, safety, and welfare by establishing guidelines to preserve and plant vegetation to enhance residential and commercial real estate values; mitigate noise, glare, wind and heat; conserve energy; mitigate storm water runoff; and provide habitats for wildlife. Furthermore, this article requires landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat, and glare from motor vehicle lights; and to provide shade and enhance appearance. This article also requires buffers between agricultural or residential properties and more intense districts such as commercial or industrial districts.

Variety in vegetation with a mixture of evergreen and deciduous materials is encouraged. Preservation of existing trees and use of native plants are also encouraged.

**Sec. 15-372. Landscape plan.**

A landscape plan must be submitted and approved with the plan of development for all uses that have a land disturbance area greater than 10,000 square feet. Landscape plans are required to be drawn to scale and show the following:

- A. Site improvements
- B. Limits of clearing and grading
- C. Property lines
- D. Utilities and associated easements and rights of way
- E. Fire hydrant locations
- F. Final grading plan
- G. Outdoor lighting
- H. Stormwater basins
- I. Identification of all zoning proffers relating to buffers, landscaping, screening, erosion and sediment control, and water quality maintenance or protection
- J. Buffer areas and dimensions
- K. Limits of wetlands, streams, and 100-year floodplain
- L. Landscape requirements, including those required for each buffer, yard, parking lot, or streetscape
- M. Plant schedule with genus and common names, quantity, and plant symbol or abbreviation
- N. Location of any tree-save areas with appropriate protection measures
- O. Overlay district landscape requirements, if applicable.

**Sec. 15-373. Landscape standards along roadways and access easements.**

A buffer at least 10 feet wide must be maintained along all road frontages and access easements. The following standards are required:

- A. The buffer is measured from the property line.
- B. No parking area or structure, except for permitted signage, may be located within the buffer. Buffers may include sidewalks, but not best management practices.

- C. The buffer must contain:
  - (1) Two trees (minimum of two-inch caliper) per one 100 linear feet, and
  - (2) A continuous row of evergreen shrubs, at least 18 inches high when planted.
- D. Vegetation must not interfere with overhead or underground utility lines when fully grown.
- E. Driveways and utility lines should generally be located perpendicular to the buffer.
- F. Plantings cannot impede the sight distance triangle. See Sec. 15-510.

**Sec. 15-374. Parking lot landscaping standards.**

Parking lots with less than 10 spaces do not require landscaping. Parking lots with 10 or more spaces must have the following additional perimeter and interior landscaping:

- A. At the perimeter:
  - (1) A six-foot wide buffer between the parking lot and abutting property lines, except for driveways or other openings, where impractical. Where the buffer would adversely separate functional parking areas and reduce efficiency and vehicular circulation, an equivalent number of plant materials may be provided in landscape islands.
  - (2) At least two trees for each 100 linear feet of perimeter. One tree must have at least a two-inch caliper and one must be at least six feet high when planted.
  - (3) A continuous row of shrubs, at least 18 inches high when planted, but not if Sec. 15-373.C.2 applies.
  - (4) When parking area is located within 50 feet of a residential lot, additional landscaping is required under Sec. 15-333.H.
- B. In the interior:
  - (1) At least 10% of the total parking lot area must be landscaped.
  - (2) Islands must be at least nine feet wide and at least 162 square feet in area, and must contain at least one two-inch caliper shade tree.
  - (3) Continuous rows of parking spaces require a landscape island at least every 18 spaces.

**Sec. 15-375. Buffers adjacent to residential and agricultural districts.**

When a commercial or industrial property is adjacent to a residential or agricultural district, the following must be provided:

- A. A 30-foot buffer of existing vegetation and/or new plantings.
- B. Existing mature vegetation located within required buffers must be maintained unless removal is approved by the community development director. The vegetation must be supplemented, if necessary, to meet this section's requirements. Any healthy existing tree or shrub may be credited towards the requirements of this section.
- C. Where there is no existing vegetation, then a double row of six-foot evergreen trees, a two- to four-foot berm with four-foot evergreen trees, or equivalent landscaping approved by staff.
- D. Required buffer areas cannot be used for best management practices, off-street parking, or loading areas.
- E. Access drives and utility easements must generally be located perpendicular to the buffer.

**Sec. 15-376. Additional landscape standards for certain uses.**

- A. The following uses require additional landscaping to screen such uses from public roads and adjacent properties:
  - (1) Automobile/motor vehicle storage lot
  - (2) Building and landscaping supplies and equipment with outdoor storage
  - (3) Inoperable vehicles
  - (4) Commercial vehicles parked in residential areas
- B. View of the above uses must be obscured from all public roads and adjoining properties by dense evergreen vegetation, or by an opaque, solid fence, or wall of treated wood, brick, stone, masonry, or similar solid material and construction. The screening, fencing, or enclosure must meet all applicable zoning ordinance and building code requirements, and be maintained to ensure that permanent screening is provided to hide the items from view.

**Sec. 15-377. Residential, Office district (R-O) landscape standards.**

Landscaping is required within required setback areas, as follows:

- A. To adequately screen permitted uses from adjacent dwellings, landscaping must, at a minimum, consist of a double row of six-foot evergreen trees, or a two- to four-foot berm with four-foot evergreen trees, or an equivalent landscape treatment approved by staff. The evergreen trees must be planted 10 feet on center.
- B. For off-street parking incidental to an office, landscaping must, at a minimum, consist of a three-foot evergreen hedge, or a two- to four-foot berm with two-foot evergreen hedge, or an equivalent buffer.
- C. Front yard:
  - (1) One two-inch caliper tree per 1,000 square feet and one 15—18-inch tall shrub per 150 square feet. Front yard landscaping is determined by multiplying the road frontage by the front yard setback.
  - (2) Vegetation planted in the streetscape buffer must be of a type and planted so as not to interfere with overhead or underground utility lines when fully grown. Landscaping must not impede the sight distance requirements as determined by the Virginia Department of Transportation.
  - (3) Streetscape buffers may also contain sidewalks, utility easements, and signs, but not best management practices.
- D. Any side yard adjoining or adjacent to a residential district must provide a 15-foot wide buffer with, at a minimum, a double row of six-foot evergreen trees, a two- to four-foot berm with four-foot evergreen trees, or equivalent landscaping approved by staff.
- E. Any rear yard adjoining or adjacent to a residential district must provide a 25-foot wide buffer with, at a minimum, a double row of six-foot evergreen trees, a two- to four-foot berm with four-foot evergreen trees, or equivalent landscaping approved by staff. No required landscaped area can be used for a driveway, walkway, or off-street parking.
- F. Existing trees having a six-inch caliper or greater located in any setback can be maintained except as necessary for entrances, sight distance, utilities, sidewalks, and signs.
- G. All vegetation must be maintained. Any plants that die or are destroyed must be replaced by the next growing season.

**Sec. 15-378. Credits for existing trees and shrubs.**

Existing vegetation that is adequately protected during construction can be used as a credit toward landscape requirements. All vegetation must be alive and in a healthy condition, be of sufficient size, and conform to the standards of the most recent edition of the "American Standard for Nursery Stock," published by American Horticulture Industry Association d/b/a AmericanHort an ANSI-accredited Standards Developing Organization. In order to qualify for credit toward the minimum road frontage landscape requirements, vegetation must be of the size and type defined as small deciduous trees, large deciduous trees, evergreens or medium shrubs. See Sec. 15-435.A.5.a for definitions.

**Sec. 15-379. Maintenance.**

A. All required landscape areas and materials must be maintained. All vegetation must be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Vegetation that dies or is destroyed must be replaced by the next growing season.

B. Fences, walls, and screens, including gates and doors, must be maintained in good repair.

C. Nothing except groundcover can be planted within three feet of a fire protection system, without the consent of the utility provider, easement holder, or the county, as appropriate.

**Sec. 15-380. Exceptions.**

The community development director may approve deviations from the landscape requirements if the property's topography, configuration, or other unique circumstances prevent full compliance with the requirements, and, in so doing, may impose conditions that will accomplish the purpose of the requirements to the maximum extent practicable.

**Secs. 15-381—15-390. Reserved.**

## ARTICLE 25. OUTDOOR LIGHTING

### Sec. 15-391. Statement of intent.

The purpose of outdoor lighting regulation is to reduce light pollution, thereby preserving dark night skies, maintaining the county's rural character, and promoting quality development.

### Sec. 15-392. Applicability.

This article applies to all uses in business districts, industrial districts, and multi-family housing development. This article also governs lighting regulations for all uses not classified as single-family residential or agricultural; however, it is intended to regulate religious, educational, athletic fields, recreation areas, locations for public assembly, and similar uses in residential and agricultural zoning districts. The article also applies to streetlights, sign illumination, and lighting in common areas in residential districts.

Outdoor light fixtures must be installed in compliance with this article. Where there is a conflict between provisions of this article and other applicable provisions of this chapter, the most restrictive provision governs. All government agencies, federal, state, and county, are encouraged to comply with these provisions.

### Sec. 15-393. Definitions.

*Footcandle.* Unit of measurement used to measure the total amount of light cast on a surface (luminance). One footcandle is equivalent to the luminance produced by one candle at a distance of one foot.

*Fully shielded fixture.* A light fixture that conceals the light source and allows no light to shine at or above the horizontal plane located at the lowest point of the fixture (for example, the light fixture features a flat lens and no tilt). Shielding must be permanently affixed and permit no light to escape through it.

*Glare.* Light with an intensity great enough to result in (a) a "nuisance glare" such as light shining into a window; (b) a "discomfort glare" such as bright light causing squinting of the eyes; or (c) a "disabling glare" such as bright light reducing the ability of the eyes to see into shadows.

*Lamp (or bulb).* The component of a light fixture that produces light, commonly referred to as a bulb.

*Light pollution.* Any adverse effect of manmade light, including, but not limited to, discomfort to the eye, distraction, diminished vision due to glare, light trespass, or diminished ability to view the night sky.

*Light trespass.* Light from an outdoor light fixture which shines onto an adjacent property or public right-of-way.

*Light fixture (or luminaire).* A complete lighting unit assembly consisting of a lamp or lamps (bulbs) together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. Typically, it means the complete lighting assembly, but not the support assembly.

*Lumen.* A standard unit of measurement used to quantify a lamp's brightness, or the amount of light energy produced by a fixture at the lamp. One footcandle equals one lumen per square foot. Lumen output is often listed on the lamp packaging. For example, a 60-watt incandescent lamp produces 950 lumens while a 55-watt low-pressure sodium lamp produces 8,000 lumens.

*Outdoor light fixture.* Permanent light fixture or other device used for outdoor illumination, including, but not limited to, light fixtures for:

- A. Buildings and structures, including canopies and overhangs;
- B. Recreational areas;
- C. Parking lots;
- D. Landscaping;
- E. External lighting for signs; and
- F. Product display and service areas.

*Photometric plan.* A point-by-point plan depicting the intensity, luminance, and location of lighting on the property.

*Uplighting.* Lighting which is directed to shine light above the horizontal plane.

#### **Sec. 15-394. General requirements.**

The following general standards apply to outdoor light fixtures:

- A. *Light direction.* Outdoor light fixtures must be aimed downward, unless otherwise permitted in this article.
- B. *Shielding.* Outdoor light fixtures must be fully shielded.
- C. *Lighting design.* Outdoor light fixtures must be designed, installed, located, and maintained to minimize light trespass onto adjacent properties or roadways, and to keep illumination within the boundaries of the property containing the outdoor light fixture.
- D. *Height.* Maximum mounting height is 20 feet, measured from the ground to the bottom of the outdoor lighting fixture.
- E. *Security lighting.* For security purposes, lighting should be reduced to a level necessary for security, and/or sensor activated lights should be utilized when use is closed.
- F. *Light measurement.* Light measurements are taken at the property line of the property from which the light is being generated and measured in footcandles.
- G. *Light trespass.* Light trespass cannot exceed ½ footcandle at the property line.

#### **Sec. 15-395. Specific requirements for certain uses.**

The following requirements apply to specific uses identified in the zoning ordinance:

- A. *Multi-lot development.* For developments approved with multiple lots (e.g., townhouse development, shopping center), lighting is measured at the perimeter of the entire development.
- B. *Canopies (e.g., fuel pump).* Lamps in canopies must be recessed into the canopy ceiling so that the bottom of the fixture is flush with the ceiling. Light fixtures cannot be mounted on the top or sides (fascia) of the canopy, and the sides of the canopy cannot be illuminated.

As an alternative to canopies, indirect lighting may be used where light is directed upward and then reflected downward from the underside of the canopy; with this method, light fixtures must be shielded so illumination is directed exclusively on the underside of the canopy.

- C. *Outdoor recreation facilities.* Outdoor lighting fixtures must be designed and installed to direct light onto the primary playing area and to minimize light pollution and light trespass. Fields must be lighted only while in use. Direct illumination is confined to within the property lines of the recreational use. Illumination must cease within one hour of the event conclusion.
- D. *Buildings, signs, flags, and landscapes.* In order to minimize glare, sky glow, and light trespass, spotlighting or floodlighting to illuminate buildings or signs, or used to accentuate landscaping, must consist of full cut-off or directionally shielded light fixtures aimed and controlled so that light is directed and confined to the object intended to be illuminated. Lighting cannot shine directly into a residence or onto a public road.

**Sec. 15-396. Prohibited lighting.**

The following lighting is prohibited:

- A. Light fixtures that imitate an official highway or traffic control light or sign;
- B. Light fixtures in the direct line of vision with any traffic control light or sign;
- C. Light fixtures that have flashing or intermittent patterns of illumination;
- D. Searchlights, except when used by federal, state, or local authorities;
- E. Mercury and sodium vapor light fixtures; and
- F. Light fixtures equipped with adjustable mounting devices altering the light direction.

**Sec. 15-397. Exemptions.**

The following uses are exempted from the outdoor lighting standards of this article:

- A. Lighting within a public street right-of-way or easement that is used principally for illuminating a roadway, but not lighting within a street right-of-way or easement that is designed to illuminate areas outside the right-of-way or easement;
- B. Lighting exempt under state or federal law;
- C. Federal Aviation Administration-mandated lighting associated with a utility tower or airport;
- D. Lighting for public monuments and statuary;
- E. Lighting to illuminate federal, state, or local government flags, and other non-commercial flags expressing constitutionally protected speech;
- F. Temporary lighting for circuses, fairs, carnivals, theatrical and other performance areas, provided that it is discontinued within one hour of completion of the performance;
- G. Temporary lighting of construction sites, provided that it is discontinued within one hour of the construction activity stopping;
- H. Temporary lighting for emergency situations, provided that it is discontinued after the emergency situation concludes;
- I. Underwater lighting in swimming pools, fountains, and other water features; and
- J. Holiday or festive lighting, provided that it does not create unsafe glare on roads.

**Sec. 15-398. Lighting plan requirements.**

A lighting plan must be submitted with a plan of development or certificate of approval. The lighting plan must include at least the following:

- A. A site plan drawn to scale, showing building footprint(s), landscaping areas, parking areas, and location of proposed outdoor lighting fixtures.
- B. Locations of all outdoor light fixtures, pole mounted and building mounted, and a numerical (typically 10 ft. by 10 ft.) grid of lighting levels, in footcandles, that the fixtures will produce on the ground (photometric report).
- C. Specifications of the light fixtures, which may include designation as illuminating engineering society of North America "cut-off" fixtures, manufacturers' catalog cuts, or other product information. Refer to Figure 3 at the end of this article for examples of acceptable fixtures.
- D. The photometric report indicating the maximum footcandle levels within the lighted area of the property and at the perimeter.

**Sec. 15-399. Alternatives and appeals of approved material and methods of installation.**

A. *Alternatives.* Outdoor lighting requirements are not intended to prevent the use of equipment, material, or installation methods not specifically prescribed, but the alternative must be approved by the zoning administrator. The zoning administrator may approve an alternative so long as it does not produce light pollution or light trespass.

B. *Appeals.* An appeal of the zoning administrator's decision may be made to the board of zoning appeals.

**Figure 3. Examples of acceptable and unacceptable outdoor light fixtures**



Secs. 15-400—15-410. Reserved.



**ARTICLE 26. SIGNS****Sec. 15-411. Statement of intent.**

The purpose of these sign standards is to regulate the publicly visible displays or graphics placed on private property for exterior observation. These regulations help to ensure traffic safety, enhance opportunities for visual communication, preserve property value, promote aesthetics, create an attractive business climate, and ensure the right to free speech.

**Sec. 15-412. Definitions.**

*Animated sign.* A sign or part of a sign that is designed to rotate, move, or appear to rotate or move. Such sign is sometimes referred to as a "moving sign."

*Banner.* A sign constructed of flexible material such as plastic or fabric that is attached to supports, a framework, or a flat surface.

*Billboard.* See "outdoor advertising sign."

*Electronic message center.* A sign or portion of a sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

*Construction sign.* A temporary sign erected on the premises where construction is taking place, during the period of construction.

*Feather sign.* A lightweight, temporary sign mounted along one edge on a single, vertical, flexible pole, the physical structure of which may resemble a sail, bow, feather, or teardrop.

*Flashing sign.* A sign that includes lights that flash, blink, or turn on and off intermittently, or any illuminated sign with light(s) which are not constant in intensity and color.

*Freestanding sign.* Any permanent sign supported by a structure or supports in or on the ground and not supported by any building.

*Ground-mounted sign.* A freestanding sign, other than a pole sign or raised sign, in which the entire bottom of sign or sign structure is in contact with the ground or base.

*Minor sign.* A freestanding sign smaller than nine square feet.

*Off-premises sign.* A sign that identifies or advertises a business, activity, good, product, service, or facility not located on the premises where the sign is installed.

*Outdoor advertising sign (billboard).* A sign structure with a sign face greater than 50 square feet which provides displays or display space for general advertising and not primarily or necessarily for advertising related to the premises on which erected or to nearby premises. Such signs, commonly referred to as "billboards" are generally designed so that the copy, or sign face can be changed frequently, and typically the sign face is available for lease.

*Projecting sign.* A sign that is wholly or partly dependent upon a building for support, projects more than 12 inches from the building, and is not a roof sign.

*Raised sign.* A sign that hangs from a pole.

*Roof sign.* Any sign erected or constructed on and above a building, supported solely on the roof structure and which projects above the highest point of a flat roof, or the lowest point of a pitched roof.

*Sign.* Any object, device, display, or structure, or part thereof, that is visible from a public place and used to advertise, identify, display, direct, or attract attention to an object, person, institution,

organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, or images. However, window displays that are inside a building, public art, and holiday displays, are excluded.

*Sign face.* The portion of a sign structure bearing the message.

*Sign structure.* Any portion of a sign, including the sign face and all poles, posts, supports, framework, border, background, and trim.

*Temporary sign.* Any sign, banner, pennant, feather sign, or other advertising medium not permanently affixed to the ground or a building. See Sec. 15-417

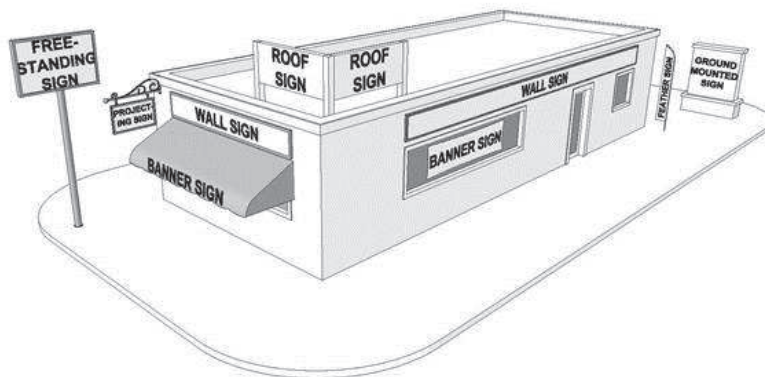
*Wall sign.* Any sign attached to and supported by the exterior surface of the wall of a building or structure in a place substantially parallel to that of the supporting wall and which is not a projecting sign. No wall sign can extend above the wall of the building.

**Sec. 15-413. General provisions.**

A. A sign permit is required for the erection, alteration, or reconstruction of any sign except for signs exempt under Sec. 15-415. An application for a sign permit must be filed on forms provided by the community development department. Staff will approve or deny a sign permit application within 15 business days. Any application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances will be approved. For temporary signs, see Sec. 15-417.

B. See figure below for signage types.

**Figure 4. Signage types**



C. Signs cannot be erected or maintained except in compliance with this article.

D. All signs must be constructed, installed, and maintained in compliance with the Virginia Uniform Statewide Building Code.

E. Signs may be internally lit or illuminated by indirect lighting, the light must be shielded and not directed toward the public right-of-way, upwards to the sky, or adjoining properties. No flashing or animated features may be used other than through a conditional use permit for an electronic message board. Internally lit signs must have full cutoff fixtures.

- F. Signs cannot be located in any road's sight distance triangle.
- G. Signs cannot unduly distract or obstruct the vision of motorists and pedestrians.

**Sec. 15-414. Prohibited signs.**

The following signs are prohibited:

- A. Outdoor advertising signs (billboards).
- B. Flashing signs.
- C. Permanent signs that move to attract attention, regardless of whether the sign has a written message and whether all or any part of it moves by means of rotating, fluttering, movement of the atmosphere, or any other method. This regulation does not apply to temporary signs.
- D. Signs that emit smoke, scent, liquid, gas, or sound.
- E. Roof signs.
- F. Off-premises signs.
- G. Signs on property without permission from the property owner, tenant, or other authorized person.
- H. Signs within a public right-of-way without written authorization from the Virginia Department of Transportation.
- I. Signs on public property unless in compliance with a written policy or pursuant to written permission from the appropriate government official.

**Sec. 15-415. Signs not requiring a permit.**

The following signs do not require a permit, but they must be constructed and maintained in compliance with the Virginia Uniform Statewide Building Code:

- A. Plaques or tablets cut into the masonry surface of buildings, walls, or fences.
- B. Signs posted solely for traffic control, public safety, or hazard warnings.
- C. Signs erected and maintained by the Virginia Department of Transportation, the county or other government agencies, and signs required by law, regulation, or any government or government agency.
- D. Signs on trucks, buses, or other vehicles, while in use during the normal course of business unless the vehicles are parked primarily to serve the function of a sign.
- E. Temporary signs.

**Sec. 15-416. Electronic message board.**

A. Electronic message boards are allowed in agricultural, commercial, and industrial districts with a conditional use permit. In reviewing the application, the planning commission and board of supervisors may consider the following factors as well as other appropriate land use considerations:

- (1) Proportion of the sign face to be used for the electronic message.
- (2) Use of colors in the electronic message.
- (3) Relationship to nearby residences.
- (4) Distance to other electronic message boards.

- (5) Speed limit of roadway and road classification.
- (6) General character of area.
- (7) Landscaping incorporated into sign package.

B. The following standards are required unless otherwise approved by the board of supervisors through the conditional use permit:

- (1) General requirements
  - a. Building and electrical permits and inspections are required.
  - b. Sign cannot be located in a manner which could cause confusion with or from traffic signals.
  - c. Messages must be static; no animation, videos, flashing, or scrolling text is permitted.
- (2) Display
  - a. Messages cannot change more than once every minute.
  - b. Transitions between messages can only be a black screen or an immediate transition; no flashing, fading, or scrolling text is permitted.
  - c. In the event of a malfunction, the display must be changed to a dark screen.
  - d. If sign is two-sided, both sides must display the same message.
- (3) Brightness controls
  - a. Illumination from sign shall not exceed 0.5-foot candle above ambient lighting at any property line.
  - b. Lighting cannot shine directly toward any dwelling.
  - c. Signs are required to have an automatic dimmer and be turned off between 11:00 p.m. (or as late as the business is open) and sunrise.
  - d. Prior to sign permit approval, applicant must provide certification showing compliance with brightness controls.
- (4) Gas stations
  - a. Gas stations can have 16 square feet of light emitting diode (LED) signs.
  - b. The LED display area will be included in sign area calculation.

**Sec. 15-417. Temporary signs.**

- A. Temporary signs cannot exceed 32 square feet.
- B. Sign height cannot exceed 10 feet.
- C. A sign permit is not required.
- D. Display of temporary signs is permitted for one 180-day period during the calendar year except:
  - (1) There is no time limit for temporary signs on property zoned or being used for agricultural or residential purposes; and
  - (2) Banners, feather signs, or other signs that flutter, wave, or move are only permitted for one 30-day period during a calendar year.

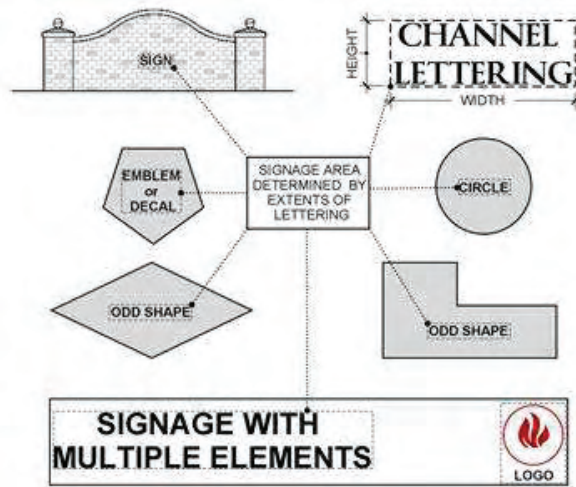
**Sec. 15-418. Measurement of sign area and height.**

A. *Freestanding sign area.* Supports, uprights, or structures on which any sign is supported are not included in determining the sign area (see Figure 5 below). If sign is double-faced, sign area will be calculated on one side only. Sign area is measured by establishing a continuous perimeter consisting of the smallest circle, square, rectangle, or triangle, or combination thereof, of the outer extremities of the sign face (wording or graphics).

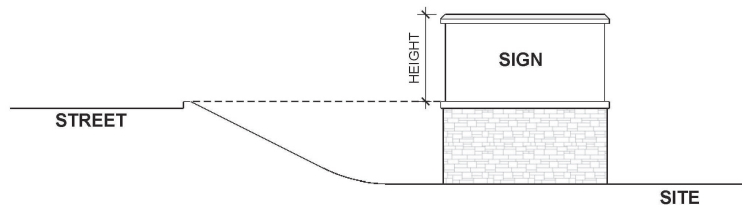
B. *Wall sign area.* Signs may cover 10% of the front facade which is calculated based on the length and height of the front of the building. Corner lots are permitted to have signs on 10% of each facade that faces a public road. For a multi-tenant building, the calculation will be based on the portion of the front of the building the tenant is leasing.

C. *Sign height.* Measurement is based on the maximum vertical distance to the top of the highest attached component of the sign from the ground at the sign base unless the ground at the sign base is lower than the finished elevation of the road providing principal access to the site, then the sign is measured from the bottom of the curb or edge of pavement. See Figure 6 below.

**Figure 5. Sign area measurement**



**Figure 6. Sign height measurement**



**Sec. 15-419. Nonconforming signs.**

Any signs that become nonconforming because of the adoption or amendment of this ordinance are allowed to remain subject to the following conditions:

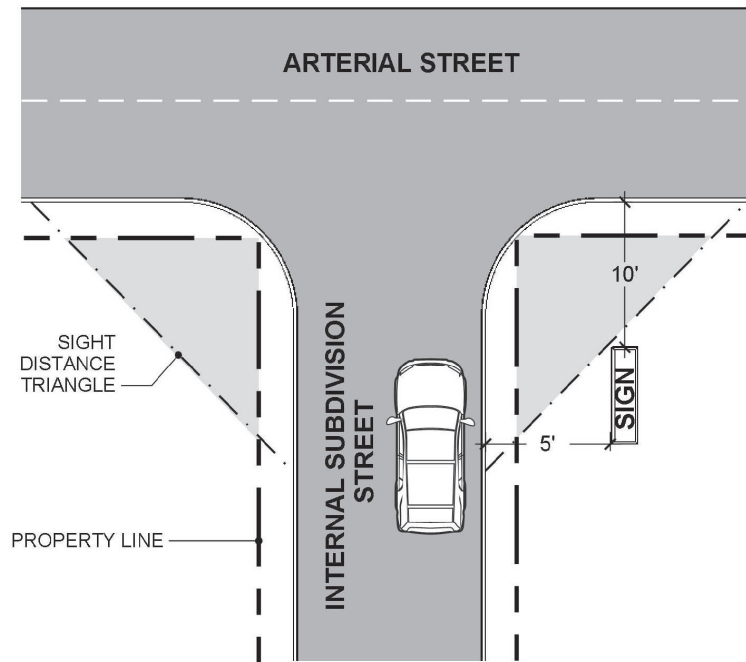
- A. The nonconforming sign may not be enlarged or altered in a way which would increase its nonconformity, but any structure or portion may be altered to decrease its nonconformity.
- B. If the sign structure is moved for any reason, it must thereafter conform to these sign regulations.
- C. Repair or replacement work may be done in any period of 12 consecutive months for ordinary repairs to the sign structure, fixtures and wiring, so long as the repair cost does not exceed 25% of the assessed value of the sign as assessed by the commissioner of revenue.

**Sec. 15-420. Maintenance and removal.**

- A. Signs must be constructed of durable materials and maintained in good condition.
- B. Any permanent sign which promotes an activity, business, product, or service which has ceased operation or production must be removed within six months of the discontinuance of the activity, business, product, or service.

**Figure 7. Subdivision road entrance sign location**

Signs must adhere to sight distance triangle. See Sec. 15-510.



**SUBDIVISION SIGN LOCATION PLAN**

**Sec. 15-421. Sign regulations by zoning districts or location.**

A. Each lot in the R-R, R-P, R-1, R-3, R-N, RPUD districts is allowed the following:

Sign Type	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Minor sign	2	9	5	5
Temporary sign	2	32	5	10
Sign, temporary or permanent	1	32	10	10
Freestanding sign	0	N/A	N/A	N/A
Sign located on a property for sale or lease	1	32	10	10
Sign located on a property with active construction	1	32	10	10
<i>Specific Locations</i>				
Sign located at the road entrance to a subdivision of 2 or more lots	2 per entrance	25 (cumulative sign area)	10 from external road 5 from internal subdivision road	15

B. Each lot in the R-O district is allowed the following; however, if lot is within an overlay district, different sign regulations may apply:

Sign Type <sup>*(1)</sup>	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Minor sign	2	9	5	5
Temporary sign	2	32	5	10
Sign, temporary or permanent	1	32	10	10
Freestanding sign	1	16	10	10
Sign located on a property with active construction	1	32	10	10
Sign located on property for sale or lease	1	32	10	10

Notes for Table: <sup>(1)</sup>No signs shall be illuminated in the R-O District.

C. Each lot in the A-1, A-2, and A-3 districts is allowed the following; however, if lot is within an overlay district, different sign regulations may apply:

Sign Type	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Minor sign	2	9	5	5
Temporary sign	2	32	5	10

Sign Type	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Sign, temporary or permanent	1	32	5	10
Gas station signs (LED portion of sign)	1	16	10	10
Wall sign <sup>[1]</sup>	N/A	N/A	N/A	N/A
Projecting sign	1	20		8 <sup>[2]</sup>
Sign located on property for sale or lease	1	32	10	10
Sign located on a property with active construction	1	32	10	10
<i>Specific Location</i>				
Sign located at the entrance to a farm operation, agricultural operation, or agri-business	2	50 <sup>[3]</sup>	10	10

Notes for Table: <sup>[1]</sup> Refer to Sec. 15-418.B. <sup>[2]</sup> Height as measured from street grade. Sign may not project over a right-of-way. <sup>[3]</sup> Cumulative sign area.

D. Each lot in the B-1, B-2, B-3, M-1, and M-2 districts is allowed the following; however, if lot is within an overlay district, different sign regulations may apply:

Sign Type	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Minor sign	4	9	5	5
Temporary sign	2	32	5	10
Freestanding	1	50 <sup>[2]</sup>	5 <sup>[2]</sup>	20 <sup>[3]</sup>
Gas station signs (LED portion of sign)	1	16	5	10
Raised sign	1	10	5	10
Wall sign <sup>[4]</sup>	N/A	N/A	N/A	N/A
Projecting sign	1	20	N/A	8 <sup>[5]</sup>
Sign located on property for sale or lease	1	32	5	10
Sign located on a property with active construction	1	32	10	10
<i>Specific Locations</i>				
Emergency centers and hospitals	1 <sup>[6]</sup>	100	50	20 <sup>[3]</sup>
Signs located at entrance to a shopping center, office park, industrial park, or coordinated group of commercial establishments	1	120 <sup>[7]</sup>	5	20 <sup>[3]</sup> <sup>[8]</sup>

Sign Type	Number of Signs Permitted	Maximum Sign Area (sf)	Setback from Property Line or Right-of-Way (ft)	Maximum Height (ft)
Sign located at drive-thru locations	N/A	50 <sup>[9]</sup>	N/A	8
For properties in the area bounded by State Route 288, Interstate 64, a line 500 ft. south of Broad Street Road (State Route 250), and the Goochland-Henrico County line	1 <sup>[10]</sup>	150 <sup>[11]</sup>	15 <sup>[12][13]</sup>	10 <sup>[8]</sup>

Notes for Table: <sup>[1]</sup> If property falls under a Specific Location category below, those regulations apply. <sup>[2]</sup> If sign is setback 50 ft. or more, maximum sign area is 70 sq. ft. <sup>[3]</sup> If lot abuts a residential zoning district, maximum height is 15 ft. and sign must be located at least 100 ft. from the boundary of the residential zoning district. <sup>[4]</sup> Refer to Sec. 15-418.B. <sup>[5]</sup> Height as measured from street grade. Sign may not project over a right-of-way. <sup>[6]</sup> Where use is located on a controlled access road, a second freestanding sign is permitted. <sup>[7]</sup> Cumulative area for all entrance signs, and no individual sign can exceed 70 sq. ft. <sup>[8]</sup> Sign must be ground mounted with a brick or stone base. <sup>[9]</sup> Cumulative sign area. <sup>[10]</sup> For shopping center, office park, industrial park, or coordinated group of commercial establishments, sign permitted at each entrance. In addition, for office park, industrial park, or coordinated group of commercial establishments, each lot may have 1 freestanding sign. <sup>[11]</sup> Cumulative sign area for all entrance signs, and each entrance sign cannot exceed 80 sq. ft. Permitted lot signs cannot exceed 35 sq. ft. <sup>[12]</sup> Sign must be located a minimum of 20 ft. from any other freestanding sign. <sup>[13]</sup> Any permitted lot sign must be located at least 5 ft. from property line or right of way.

(Ord. No. 6255, § 1, 1-21-25)

**Secs. 15-422—15-430. Reserved.**



**ARTICLE 27. ENTRANCE CORRIDOR AND VILLAGE CENTER OVERLAY DISTRICTS****Sec. 15-431. Statement of intent.**

The entrance corridor and village center overlay districts are intended to implement the comprehensive plan objective of preserving the unique character of our villages, rural crossroads, and major roadways and historic resources, through architectural control of development; to stabilize and improve property values; to protect and enhance the county's attractiveness to residents, tourists, and other visitors; to support and stimulate complementary development and future growth appropriate to the prominence afforded properties of historic, architectural and cultural significance. An overlay district is created for the purpose of providing special regulations in designated areas; accordingly, these regulations are in addition to and modify the requirements of the zoning districts, especially with respect to architecture and landscaping.

Entrance corridor and village center overlay district regulations apply to both modifications of existing structures and new construction. However, in order to provide for a transition for existing structures, to alleviate hardship, and to allow flexibility for existing small parcels, authority is provided for reasonable deviations which are consistent with good planning principles.

**Sec. 15-432. Applicability.**

A. Entrance Corridors. Entrance corridor overlay districts may be established along streets or highways designated as scenic highways if the board of supervisors finds they are significant routes of tourist access to the county.

The following entrance corridors are hereby established to a depth of 500 feet from both the north and south rights-of-way:

- (1) *Patterson Avenue/River Road West.* Defined as Patterson Avenue/River Road West (Route 6) from the Henrico County line to Maidens Road (Route 634).
- (2) *River Road.* Defined as River Road (Route 650) from the Henrico County line to its terminus at Patterson Avenue (Route 6).

B. Village Centers. Village center overlay districts may be established in the vicinity of designated historic, architectural, or cultural landmarks, buildings, structures, or areas the board of supervisors finds to be worthy of additional protection.

The following village centers are hereby established:

- (1) *Courthouse Village.* The village is generally defined as being 1,000 feet wide (500 feet from the centerline of the roads on both sides) along Sandy Hook Road (Route 522) from 1200' north of Bulldog Way (Rt. 724) to its intersection with River Road West (Rt.6); along Fairground Road (Rt. 632) from Sandy Hook Road (Rt. 522) to 400' east of Maidens Road (Rt. 634); and along River Road West (Rt. 6) from Irwin Road (Rt. 607) to Maidens Road (Rt. 634)
- (2) *Centerville Village (Broad Street Road).* This district is generally comprised of the parcels on either side of Broad Street Road (Route 250) beginning from the Henrico County Line west to a point 1,500 feet west of the intersection of Broad Street Road and Manakin Road; parcels along Plaza Drive, St. Matthews Lane and Hockett Road, except for property zoned M-1 as of November 7, 2012; and the area generally comprised of the parcels on either side of Ashland Road (Route 623) from Broad Street Road (Route 250) to the Ashland Road/Interstate 64 interchange.

- (3) *Oilville Village*. This district is defined as being 1,000 feet wide (500 feet from the centerline) of the following roads as they extend through the Oilville Village: Broad Street Road, Oilville Road, Pony Farm Road, Hanover Road, Fairground Road, and Cardwell Road.

**Sec. 15-433. Overlay concept.**

A. The entrance corridor and village center overlay districts supplement the underlying zoning districts shown on the official zoning map.

B. The uses permitted in the overlay districts, whether by right or through a conditional use permit, are as permitted in the underlying district.

C. Where there is any conflict between the provisions or requirements of any of the overlay districts and those of any underlying district, the more restrictive provisions apply.

**Sec. 15-434. Design review committee.**

A. Appointments.

- (1) The design review committee consists of three members appointed by the board of supervisors. All members must be county residents and cannot serve on the planning commission while serving on the design review committee. All members should have a demonstrated interest, competence, or knowledge in architecture and/or site design, and in the preservation of natural, scenic and historic resources.
- (2) In addition to the three required members, the board of supervisors may appoint two alternates to serve on the DRC. The qualifications, terms, and compensation of alternates is the same as those of regular members. When a regular member knows he will be absent from or will have to abstain from any application at a meeting, he shall notify the DRC chairman as soon as possible prior to the meeting. The chairman may select an alternate to serve in the absent or abstaining member's place, and, if so, it will be included in the DRC records. The alternate member may vote on any proceeding in which a regular member abstains or is absent.
- (3) Design review committee members are appointed for two-year terms and serve at the pleasure of the board of supervisors, which may replace a member at any time. Design review committee members may serve four successive terms.
- (4) Design review committee members may receive compensation as authorized by the board of supervisors.

B. Powers and duties.

- (1) Design review committee meetings will be held as necessary to consider applications that have been appealed or which staff or an applicant request to have heard by the design review committee.
- (2) The design review committee may, from time to time, recommend to the board of supervisors amendments to this article.
- (3) Meetings shall be held in compliance with the Virginia Freedom of Information Act. The design review committee shall choose annually from among its regular members a chair, and a vice chair who will act in the absence of the chair, and keep minutes of its proceedings, showing the presence and action of each member upon each question.

- (4) The design review committee is responsible to administer the provisions of the certificate of approval process and may recommend to the board of supervisors the promulgation of additional design standards as it believes appropriate which may include, but is not limited to, architectural standards, building and parking setback standards and landscaping standards.
- (5) The design review committee may be advisory to the planning commission, the board of supervisors, and the community development department in rezonings, conditional use permits, site development plans, subdivisions, variances, and other matters within overlay districts.
- (6) In order to allow for reasonable expansion of existing structures, and to allow flexibility in the application of the design and development standards applicable to overlay districts, the design review committee may grant reasonable deviations from the design standards if the site's topography, configuration, or other unique circumstances prevent full compliance with the requirements. In such cases, the design review committee may impose conditions that will accomplish the purpose of the requirements to the maximum extent practicable.

**Sec. 15-435. Application for certificate of approval.**

A. General provisions.

- (1) Except as otherwise provided in Sec. 15-440, no building permit can be issued for any structure or building to be located within an entrance corridor or village center overlay district until the plans for it have been issued an overlay district certificate of approval.
- (2) For purposes of this article, changing the exterior color or materials of a structure or building is an alteration and not regular maintenance, and a structure includes, but is not limited to, outbuildings, fences, walls, lamp posts, and light fixtures.
- (3) Applications for a certificate of approval will be approved administratively unless they are appealed by the applicant or referred to the design review committee by staff.
- (4) An application for a certificate of approval for buildings or structures must include three copies of the following:
  - a. Architectural elevations (all sides) for the proposed improvements, drawn to scale;
  - b. Site plan for the proposed improvements;
  - c. Photographs, manufacture specifications, or samples of exterior building materials for the proposed improvements, including proposed colors;
  - d. Lighting plan (if required); and
  - e. Landscaping plan.
    - (i) A landscaping plan for each parcel; provided that no landscaping plan is required for an application which is limited to a change in the exterior color, or change in materials of an existing structure, building or sign.
    - (ii) The landscaping plan must be drawn to scale and provide landscape locations, description of all landscaping materials and irrigation systems required by this article.
- (5) Plant material specifications.
  - a. Any healthy existing tree or shrub of sufficient size may be included for credit toward the applicable landscaping requirements. Plant materials used to satisfy the applicable requirements must conform to the standards of the most recent edition of the "American Standard for Nursery Stock", published by American Horticulture Industry Association

d/b/a AmericanHort an ANSI-accredited Standards Developing Organization. In order to qualify for credit toward the minimum frontage landscaping requirements, plant materials must be of the size and type defined as small deciduous trees, large deciduous trees, evergreens and medium shrubs. These definitions are as follows:

- (i) *Large deciduous trees.* Trees having a minimum mature crown spread of at least 30 feet and a minimum caliper of two inches for new trees at the time of planting, or a minimum caliper of six inches measured 12 inches above ground for existing trees.
  - (ii) *Small deciduous trees.* Trees having a minimum mature crown spread of at least 12 feet and a minimum height of 6 feet at the time of planting, or a minimum caliper of four inches measured 12 inches above ground for existing trees.
  - (iii) *Evergreen trees.* Evergreen trees with a minimum height of six feet for new trees at the time of planting, or a minimum height of 10 feet for existing trees.
  - (iv) *Medium shrubs.* Shrubs with a height of 18—24 inches at the time of planting.
- b. All landscaping must be installed according to accepted professional planting practices and procedures. Installation of the required landscaping must be completed by the end of the first planting season following completion of the improvements to be made pursuant to the certificate of approval. Landscaped areas must be protected from vehicular encroachment by such means as, but not limited to, wheel stops, concrete curbs, or treated timber.
  - c. All plant materials must be maintained in a healthy, growing condition. All unhealthy, dying or dead plant materials must be replaced during the next planting season.
- (6) Upon the applicant's written request, the community development director may waive any of the above requirements deemed not to be necessary for review of the application.
  - (7) Applications for certificates of approval must be made on forms provided by the community development department and submitted along with the required fee. Any alterations or modifications to the application delay the date it is considered complete.

#### **Sec. 15-436. Application review.**

If an application meets all overlay district requirements, staff can administratively review the certificate of approval application. Staff has 10 working days from receipt of a completed application to approve, deny, or provide a list of necessary changes in writing to the applicant. If an application does not meet the overlay standards or requests a modification of them, the application will be heard by the design review committee. In addition, any applicant can appeal any staff decision to the design review committee.

#### **Sec. 15-437. Required elements for certificate of approval.**

Staff or the design review committee will consider the following requirements in reviewing the certificate of approval application:

- A. The proposed structure or building complies with the entrance corridor or village center overlay district design and development standards.
- B. All exterior walls have the same or architecturally harmonious materials, color, texture and treatment.
- C. The combination of architectural elements proposed for a structure, building, or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping, roof

line and height, conform to accepted architectural principles for permanent buildings reflecting the character of the applicable corridor overlay district, as contrasted with engineering standards designed to satisfy safety requirements only.

- D. The proposed structure, building, or improvement, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass, roofline and height, is not designed to serve primarily as an advertisement or commercial display, and does not exhibit exterior characteristics likely to deteriorate rapidly, be of temporary or short term architectural or aesthetic acceptability, or otherwise constitute a reasonable foreseeable detriment to the attractiveness and stability of the applicable entrance corridor district.

**Sec. 15-438. Design review committee approval process.**

A. The design review committee will meet as needed to consider applications for certificates of approval that have been appealed by the applicant or referred by staff.

B. After consideration of a certificate of approval application, the design review committee may approve or deny the application or approve the application with conditions required for compliance with the applicable design criteria, including conditions that delegate approval authority to staff.

C. All design review committee decisions on an application must be in writing and sent to the applicant. Any decision to deny will state the reasons for denial. The design review committee may, but is not required to, make suggestions that would assist the applicant in resubmitting an application.

D. Before issuing permits for any work which has been approved by the design review committee, staff will require applicants to submit plans that accurately reflect any changes or conditions imposed by the design review committee.

**Sec. 15-439. Certificate of approval compliance.**

A. All work performed pursuant to a certificate of approval must conform to the approved plans and specifications, including any required modifications. In the event work is performed which is not in conformance with the certificate of approval, staff will notify the responsible person or firm in writing of the nonconformity and take any necessary steps to enforce compliance with the certificate of approval.

B. No change in the approved plans may be made without modification of the certificate of approval. Changes which are not substantially different from the approved plans may be approved administratively by staff. Material changes will be reviewed as if a new certificate of approval application.

**Sec. 15-440. Exemptions.**

A. No certificate of approval is required for any of the following:

- (1) Single-family dwellings used exclusively for residential purposes, including accessory buildings such as tool houses, garages, and storage sheds. However, development signs and entrance features such as gatehouses which are generally located at the main entrance into a subdivision are required to have a certificate of approval;
- (2) Interior alterations to a building or structure having no effect on its exterior appearance;
- (3) Repair and maintenance activities, and authorized improvements to nonconforming uses;
- (4) General maintenance where no change in design or material is proposed; or
- (5) Wall signs and sign face changes for existing freestanding signs. Signs with new construction will be reviewed with the certificate of approval.

B. For any certificate of approval which is limited to a change in the exterior color, or materials of an existing structure, building or sign, landscaping requirements in this article do not apply.

**Sec. 15-441. Appeals.**

A. The board of supervisors reserves unto itself the right to review all design review committee decisions.

B. Any applicant aggrieved by any decision of the design review committee may appeal the decision to the board of supervisors. The appeal shall be made by filing a request in writing with the clerk of the board of supervisors within 30 days after the date of the decision being appealed. The board of supervisors may affirm, reverse, or modify, in whole or in part, the decision of the design review committee. In so doing, the board of supervisors may give due consideration to the design review committee recommendation and such other evidence as it deems necessary for a proper review.

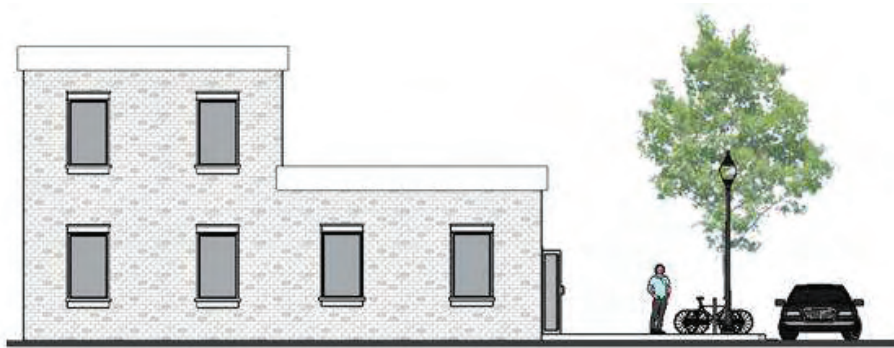
C. Any applicant aggrieved by any decision of the board of supervisors may appeal the decision to the Goochland County Circuit Court within 30 days after it was rendered. The filing of an appeal stays the decision of the board of supervisors pending the outcome of the appeal.

D. For purposes of this article, the term "person aggrieved" is limited to the applicant, the design review committee, the board of supervisors, or any person having an immediate, pecuniary and substantial interest in the subject matter at issue, and not a remote or indirect interest. In order to be "aggrieved", a person must exhibit a substantial grievance and show a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon himself or herself different from that suffered by the public generally.

**Sec. 15-442. Village centers—pedestrian scale.**

The Centerville, Courthouse, and Oilville villages encourage buildings to be built at a pedestrian scale.

**Figure 8. Pedestrian scale design**

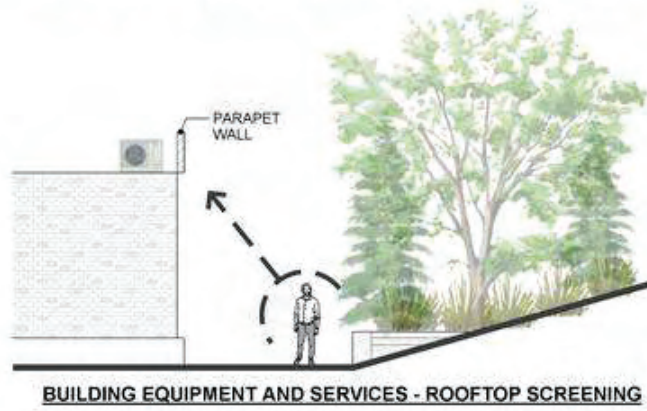


**TYPICAL SECTION**

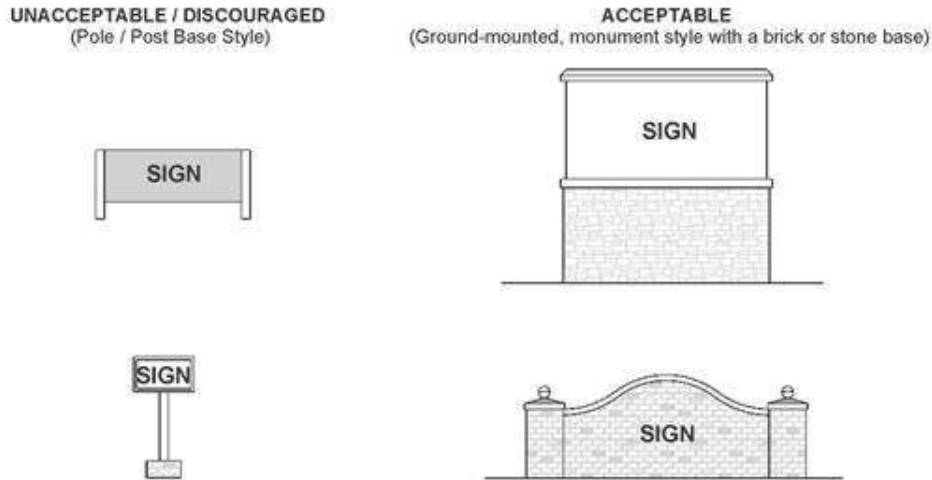
**Sec. 15-443. Overlay district screening and signage.**

All overlay districts require mechanical, electrical, heating, ventilation and air conditioning equipment to be screened.

**Figure 9. Overlay district screening**



**Figure 10. Examples of unacceptable and acceptable signs in overlay district**



**Sec. 15-444. Route 6/650 entrance corridor overlay district development standards.**

A. *Architectural standards.* Architectural features such as arcades and colonnades must be used to unify groups of buildings within a development.

(1) Building materials.

	<b>Approved Materials</b>	<b>Excluded</b>
Building exterior	<ul style="list-style-type: none"> <li>• Bare or painted brick</li> <li>• Stone or wood</li> <li>• Exterior insulation and finish systems (EIFS)</li> <li>• Stucco</li> <li>• Split-face block</li> <li>• Cementitious siding (i.e., Hardiplank)</li> </ul>	
Roof	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Terra cotta</li> <li>• Standing seam metal</li> <li>• Dimensional fiberglass shingles</li> <li>• Other materials as approved</li> </ul>	
Fences		<ul style="list-style-type: none"> <li>• Chain link in front yards</li> </ul>
Signs	<ul style="list-style-type: none"> <li>• Ground-mounted signs (with a brick or stone base)</li> <li>• Building mounted</li> <li>• Pole mounted signs for residential subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>• Pole-mounted signs for commercial uses</li> </ul>

(2) Fuel pump canopies.

- a. Fuel pump canopies may be required to provide customers with protection from the elements and to provide lighting levels required for dispensing fuel as they are functional elements of present-day gas/convenience stores; their character and appearance must reflect a minimalist design consistent with that function.
- b. The size of the canopy fascia and canopy support columns must be in proportion to the overall size of the canopy structure. The fascia cannot exceed 36 inches in height, including any accent bands.
- c. Canopy fascia and canopy signage cannot be illuminated.

- d. Lighting of fuel pump canopies must be of the lowest level that will provide safe fuel dispensing. All canopy lighting must be flush-mounted and shielded, downward directed, and cannot emit light above the horizontal plane.
- e. Canopy related elements, including fuel dispensers, support columns, spandrels, and planters must be compatible with the character of the building and site and not used for advertising.
- f. A building's architectural elements should not be altered to reflect trademark canopy design.
- g. Colors, materials, forms, and detailing may be used to coordinate canopies with a site, its building(s), and structures. Colors should be subdued and cannot advertise the business.

B. Site design.

- (1) *Landscape standards.* Required landscaping materials may be clustered within the applicable areas. The listing of required plant materials below defines the total applicable planting requirements but does not require a uniform spacing of plantings. If public water lines are located on the parcel, within a public right-of-way, or within an easement located adjacent to the parcel, an irrigation system for all landscaped areas consisting of grass (excluding open fields of five acres or more) and formal landscaping must be designed, installed, and used to provide for proper watering of such areas.

<b>Landscape Standards</b>	<b>Minimum Building Setback Reductions* (ft)</b>	<b>Minimum Parking Lot Setback (ft)</b>
<ul style="list-style-type: none"> <li>• 1 large deciduous tree/ 100 linear feet</li> <li>• 1 small deciduous tree/ 50 linear feet</li> <li>• 1 medium shrub/ 10 linear feet</li> <li>• For any portion of the applicable road frontage where no natural vegetation exists which would qualify for credit toward the required landscaping, if an undulating berm ranging from 3—5 feet in height is constructed the following is required:                             <ul style="list-style-type: none"> <li>◦ 1 small deciduous tree/ 50 linear feet and 1 medium shrub/ 15 linear feet along such portion of the applicable corridor road frontage</li> </ul> </li> </ul>	<p>Patterson Avenue/River Road West Corridor: 125</p> <p>Patterson Avenue/River Road West Corridor: 75 (if parking is in rear)</p> <p>River Road Corridor: 100</p>	<p>50</p>

\* Measured from the existing right-of-way, and applicable to all structures.

- (2) *Parking.*
  - a. Parking designs that enhance groundwater recharge capabilities are encouraged.
  - b. All parking lot construction must be asphalt, concrete, pavers, or tar and gravel.
- (3) *Pedestrian access.* Pedestrian access between and within sites is required within the villages of Manakin and Crozier. Sidewalks may be within the streetscape buffer.
- (4) *Storage areas and equipment* (see also Sec. 15-443).
  - a. All mechanical, electrical, heating, ventilation and air conditioning equipment, loading docks, and solid waste collection or handling facilities must be screened by one or more of the following:
    - (i) Architectural elements of a building.
    - (ii) The same materials used for buildings located on the parcel or other compatible approved materials.
    - (iii) Landscaping materials.

- b. Uses that incorporate bay doors (garages or other similar uses including loading/unloading facilities) are required to orient the doors so that they do not face any primary roadway but are accessed from the side or rear of the structure.

**Sec. 15-445. Oilville village overlay district development standards.**

A. Architectural standards.

- (1) *Character.* Use compatible architectural features wherever possible to tie buildings into a cohesive district.
  - a. Materials and patterns must complement the area's character in terms of color, scale, and texture. When possible, relate entries, windows, signage, and other architectural components to adjacent buildings.
  - b. Architectural features, such as arcades and colonnades, must be used to unify groups of buildings within a development.
  - c. Colors should be restrained and subdued. Color choice should complement surrounding buildings.
  - d. The color of the structure cannot be an advertisement for the business. New franchise architecture (a general design that is repeated throughout different locations by a particular corporation without consideration of a specific site or environment) must follow these design guidelines and create color schemes that blend in with the existing environment and are sensitive to their surroundings.
- (2) *Scale and building height.* Design buildings to be human-scale and pedestrian-oriented at the street level (see Sec. 15-442). Design large buildings so that they appear small in scale when seen from the sidewalk. Avoid massive, monolithic facades. The facade of buildings typically should not exceed three stories.
- (3) *Building materials.*

	<b>Approved materials</b>	<b>Discouraged</b>	<b>Excluded</b>
Building exterior	<ul style="list-style-type: none"> <li>• Common red brick</li> <li>• Stone or wood</li> <li>• Wood-like products with a minimum guaranteed life of 30 years</li> </ul>	<ul style="list-style-type: none"> <li>• Split-face block</li> </ul>	<ul style="list-style-type: none"> <li>• Metal</li> <li>• Plywood</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Standing seam metal, tin, or copper</li> <li>• Dimensional fiberglass shingles</li> <li>• Cement slate</li> <li>• Other materials as approved</li> </ul>		
Fence	<ul style="list-style-type: none"> <li>• Non-frontage fencing may be black coated chain link coated.</li> </ul>		<ul style="list-style-type: none"> <li>• Chain-link fencing in the front yard</li> </ul>
Signs	<ul style="list-style-type: none"> <li>• Ground-mounted signs (with a brick or stone base)</li> <li>• Building mounted</li> </ul>		<ul style="list-style-type: none"> <li>• Pole-mounted signs</li> </ul>

- (4) *Roof treatment.*
  - a. Roof type is flexible. Flat roofs are discouraged where practical.
  - b. If the building facing the street is longer than 100 linear feet, then the building must require varying roof heights and other architectural features to disrupt the monotony of the façade.

(5) *Fuel pump canopies.*

- a. Fuel pump canopies and related elements are functional elements of present-day gas/convenience stores and their character and appearance must reflect a minimalist design consistent with that function. Canopies and related elements should be coordinated with the overall site in terms of color, material, form, and detailing.
- b. Colors should be restrained and subdued. Color choice should complement surrounding buildings.
- c. The color of the canopy cannot be an advertisement for the business. New franchise architecture (a general design that is repeated throughout different locations by a particular corporation without consideration of a specific site or environment) must follow these design guidelines and create canopies that blend in with the existing environment and are sensitive to their surroundings.

B. *Site design.* Site development should be sensitive to the existing natural landscape, preserve mature trees where possible, and contribute to the creation of an organized development plan.

(1) *Landscaping.* Streetscape buffers are required to contain the landscaping materials required in the underlying zoning district as well as the following:

- a. One large deciduous tree per 100 linear feet one shrub (18—24 inches in height) per 10 linear feet. The entire buffer must be mulched or sodded.
- b. Native trees are encouraged.
- c. Vegetation planted in the streetscape buffer must be of a type and/or planted so as not to interfere with overhead or underground utility lines when fully grown. All landscaping must adhere to sight distance requirements as determined by the Virginia Department of Transportation.
- d. Streetscape buffers can also contain sidewalks, utility easements and signs, but cannot contain best management practice structures.
- e. Continuity within the design overlay corridor should be obtained by planting different types of plant materials that share similar characteristics. Such common elements allow for more flexibility in the design of structures because common landscape features will help to harmonize the appearance of development as seen from the street.
- f. All plant materials must be maintained in a healthy, growing condition and free from refuse and debris at all times. All unhealthy, dying or dead plant materials must be replaced during the next planting season.

(2) *Setbacks.*

- a. Reduced setbacks that contribute to a pedestrian-friendly orientation are permitted in the village overlay districts. Setbacks are based on existing uses and road design speed and contribute to the design character of the village.
- b. Minimum building setback is 75 feet from the curb (50-foot setback is allowed if parking is to the structure's side or rear).

c. Setbacks:

Sidewalk allowance	3 ft. from curb to sidewalk
Sidewalk	5 ft. wide
Streetscape buffer	30 ft. from curb
Access lane	20 ft. deep from vegetated buffer
Front parking	25 ft. for single-load spaces in front of building
Side/rear parking	Allowance for 50-foot setback

(3) *Exterior lighting fixtures.*

- a. Dark brown, dark bronze, dark green, or black are appropriate colors for free-standing pole-mounted light fixtures.
- b. The height and scale of free-standing pole-mounted light fixtures should be compatible with the height and scale of the buildings and the sites they are illuminating, and with the use of the site. Free-standing pole-mounted light fixtures cannot exceed 18 feet in height.
- c. In determining the appropriateness of lighting fixtures for the corridor, the individual context of the site will be taken into consideration on a case-by-case basis.
- d. Underground utility installation is encouraged when possible.

(4) *Parking.*

- a. Parking designs that enhance groundwater recharge capabilities are encouraged.
- b. All parking lot construction must consist of asphalt, concrete, pavers, or tar and gravel.

(5) *Pedestrian access.* Pedestrian access between and within sites is required. Sidewalks along Route 250 should be incorporated into the streetscape buffer.

(6) *Storage areas and equipment.*

- a. All mechanical, heating, ventilation and air-conditioning units, loading docks, and trash containers must be screened from view from the overlay corridors. Screening materials must be complementary to the building and landscaping of the site (see Sec. 15-443).
- b. Uses that incorporate bay doors (garages or other similar uses including loading/unloading facilities) must orient the doors so that they do not face the roadway but are accessed from the structure's side or rear.

**Sec. 15-446. Courthouse village overlay district development standards.**

A. Architectural standards.

(1) *Character.* Design should be compatible with the existing character of neighboring properties. Buildings cannot serve as an advertisement.

- a. Architectural features such as arcades and colonnades must be used to unify groups of buildings within a development.
- b. Use a maximum of three colors on a single building. Muted or natural tones (earth tones) are attractive during all seasons of the year. Elements such as windows, trim, eaves, and cornices should be painted in colors that complement the main color of the building. Bright or brilliant colors should be used sparingly and only in limited instances for accents.
- c. Color should be compatible with that of neighboring buildings or storefronts. However, to avoid monotony, adjacent buildings should not be the same color.

(2) *Height.*

- a. The building mass, scale and height are to be appropriate for the site and harmony with the mass, scale and height of adjacent buildings in order to remain visually pleasing.
- b. Rooflines should be compatible with existing roof lines in the village.

(3) *Building materials.* Exterior materials should follow the list of recommended building materials:

	<b>Approved Materials</b>	<b>Discouraged</b>	<b>Excluded</b>
Building exterior	<ul style="list-style-type: none"> <li>• Common red brick, antique brick, or painted brick</li> <li>• Special masonry units (textured, colored or painted)</li> <li>• Natural stone or wood (i.e., clapboard)</li> <li>• Concrete siding (i.e., Hardiplank)</li> </ul>	<ul style="list-style-type: none"> <li>• Beige or multi-tone brick</li> <li>• EIFS</li> <li>• Imitation stone</li> </ul>	<ul style="list-style-type: none"> <li>• Vinyl siding</li> <li>• Wood shingles</li> <li>• Imitation brick</li> <li>• Plain masonry units</li> <li>• Metal siding</li> <li>• Asphalt siding</li> </ul>
Trim	<ul style="list-style-type: none"> <li>• Painted wood</li> </ul>	<ul style="list-style-type: none"> <li>• Bare wood</li> </ul>	<ul style="list-style-type: none"> <li>• Particleboard</li> </ul>
Windows	<ul style="list-style-type: none"> <li>• Anodized aluminum frame (black, white or other approved color)</li> <li>• Wood frame (painted, stained, vinyl clad, or approved color)</li> <li>• Lintel (brick, stone, colored concrete)</li> <li>• Sills (brick, limestone, colored concrete, wood)</li> <li>• Glazing (clear, etched, frosted, or stained glass)</li> </ul>		<ul style="list-style-type: none"> <li>• Mirrored glass</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Natural slate</li> <li>• Standing seam metal (with approved color)</li> <li>• Asphalt shingles (single tone black or gray)</li> <li>• Fiberglass shingles (single tone black or gray)</li> </ul>	<ul style="list-style-type: none"> <li>• Cedar shakes</li> </ul>	<ul style="list-style-type: none"> <li>• Terra cotta</li> </ul>
Site Materials	<ul style="list-style-type: none"> <li>• Paving materials (brick, small colored paving stone, concrete, asphalt, natural stone)</li> <li>• Retaining walls (natural stone/rock, pressure treated timbers, brick, pigmented concrete)</li> <li>• Fences (natural, stained or painted wood; iron; brick or stone)</li> </ul>	<ul style="list-style-type: none"> <li>• Stacking masonry units</li> <li>• Vinyl (black chain link)</li> </ul>	<ul style="list-style-type: none"> <li>• Gravel</li> <li>• Cinder block</li> <li>• Railroad ties</li> <li>• Galvanized chain link (or other color)</li> </ul>
Awnings	<ul style="list-style-type: none"> <li>• Fabric (solid color coordinated with building colors)</li> </ul>	<ul style="list-style-type: none"> <li>• Vinyl, plastic, metal</li> </ul>	
Signs	<ul style="list-style-type: none"> <li>• Ground-mounted (brick or stone base)</li> </ul>	<ul style="list-style-type: none"> <li>• Pole-mounted signs</li> </ul>	

(4) *Signs.*

- a. Signs should be compatible with the architectural style and the proportions of the associated buildings, site and local character of the area. Ground-mounted and building-mounted signs which utilize a color and design that is complementary to the building are preferred. Ground-mounted signs cannot exceed 10 feet in height. Figure below demonstrates acceptable forms of signs.
- b. Pole-mounted signs a maximum of 10 feet in height and less than 10 square feet in size may be considered for approval. Appropriate landscaping is required at the base of all pole-mounted signs.

## (5) Fuel pump canopies.

- a. Fuel pump canopies may be required to provide customers with protection from the elements and to provide lighting levels required for dispensing fuel as they are functional elements of present-day gas/convenience stores and their character and appearance should reflect a minimalist design consistent with that function.
- b. The size of the canopy fascia and canopy support columns must be in proportion to the overall size of the canopy structure. The fascia cannot exceed 36 inches in total height, including any accent bands.
- c. Canopy fascia's and canopy signage cannot be illuminated.
- d. Lighting of fuel pump canopies should be of the lowest level that will provide safe dispensing of fuel. All canopy lighting must be flush-mounted and shielded, downward directed, and not emit light above the horizontal plane. All canopy lighting must meet a 0.9-foot candle spillover requirement.
- e. Canopy related elements, including fuel dispensers, support columns, spandrels, planters, etc. must be compatible with the character of the building and site and cannot be used for advertising.
- f. The building's architectural elements should not be altered to reflect trademark canopy design.
- g. Canopy fascias are limited to the use of one principal color.
- h. Colors, materials, forms, and detailing may be used to coordinate canopies with a site, its building(s), and structures.

## B. Site design.

(1) *Landscaping.*

- a. Every effort must be made to preserve existing trees and shrubs during construction and renovations.
- b. New landscaping should blend with the established neighborhood.
- c. All plant materials must be maintained in a healthy, growing condition. All unhealthy, dying or dead plant materials must be replaced during the next planting season.

(2) *Parking.*

- a. Parking designs that enhance groundwater recharge capabilities are encouraged.
- b. All parking lot construction must consist of asphalt, concrete, pavers, or tar and gravel.

(3) *Lighting.* Exterior light fixtures must be of a size compatible to the building or existing lighting.(4) *Sidewalk.* On new construction or renovations, sidewalks are required in the site plan.(5) *Setbacks.*

- a. Reduced setbacks that contribute to a pedestrian-friendly orientation are permitted in the village overlay districts. Setbacks are based on existing uses and road design speed and contribute to the design character of the village.

- b. Buildings along Route 6, between Dickinson Road and Valley View Lane, will fall under different regulations than buildings on the outlying perimeter of village. Buildings may be closer to the road along Route 6, between the northern U.S. 522/Route 6 intersection and Valley View Lane with the following options:
    - (i) Parking to the side, rear, or both on mixed use property; or
    - (ii) Landscaped parking in front of business-zoned property.
  - c. New buildings are allowed to line up with existing buildings and not be set back further than existing buildings.
  - d. Parking lot entrances must meet commercial standards, but driveways are allowed to taper down once they leave the entrance.
- (6) *Fencing.*
- a. Fencing is discouraged. Trees, shrubs, and plants are preferred.
  - b. Fencing in yards abutting public rights-of-way may be up to four feet high.
  - c. Fence material fronting the roadway cannot be chain-link. Approved chain-link fence types may be incorporated if they are not visible from the roadway.
- (7) *Screening equipment and services.*
- a. Carefully locate building equipment and services to minimize their visual impact on public streets and neighboring properties. See Sec. 15-443 for ground, rooftop, and container screening examples.
  - b. Trash containers and outdoor storage areas should be screened from view from public streets, pedestrian areas, and neighborhood properties. The screen for trash containers must be designed to be compatible with the architectural character of the development and be made of durable materials.
  - c. Locate utility meters and other mechanical and electrical equipment in service, loading, or screened areas. Exterior surface-mounted utility conduit and boxes should be kept to a minimum. Where they do exist, they must be designed, painted, or screened to blend in with the design of the building to which they are attached.
  - d. Mechanical equipment, solar collectors, satellite dishes, communication devices, and other equipment should be concealed from view from public streets, adjacent properties, and pedestrian-oriented areas to the extent technically practical.
  - e. Roof-mounted equipment is discouraged. When such equipment is necessary, it must be screened from view from roads, adjacent properties, and pedestrian areas. Special attention should be given to changes in elevation, which may provide a view down to the roof. In this case, enclose the equipment in a screened shelter or design the layout of exposed equipment in an orderly fashion. Paint the equipment in a color similar to the rest of the roof.
  - f. Screening devices (rooftop and at ground level) should incorporate the following elements:
    - (i) Architectural screens should be an extension of the development's architectural style;
    - (ii) Screen walls should be constructed of low maintenance and durable materials, which are consistent with the main building's materials; and
    - (iii) Landscaping should be used in conjunction with building materials to compliment ground level screening devices.

- g. Uses that incorporate bay doors (garages or other similar uses including loading/unloading facilities) must orient the doors so that they do not face any primary roadway but are accessed from the structure's side or rear.

**Sec. 15-447. Centerville village (Broad Street Road) overlay district development standards.**

A. Architectural standards.

(1) *Character.*

- a. Materials, colors, and the general style of buildings must be coordinated within a development.
- b. Building design must incorporate features used in the traditional villages of Centerville or Courthouse, such as, but not limited to, pitched roofs, limited height, porches, cupolas, columns, and smaller scaled windows. Larger developments should apply these design elements where practicable.
- c. Use compatible architectural features and relate components to adjacent buildings such as arcades and colonnades to unify groups of buildings within a development.
- d. Use building materials and patterns to complement the area's character in terms of color, scale, and texture.
- e. All sides of the building shall have a unified appearance, i.e., similar building materials and/or colors.

(2) *Scale.*

- a. Buildings must be designed at a pedestrian scale with emphasis on pedestrian-oriented access, rather than automobile. See Sec. 15-442.
- b. Massive facades (greater than 100 feet in length) must use architectural treatments such as changes in color or materials, and modulation of width and depth to break up the monotony.

(3) *Building materials.* Exterior materials must follow this list of recommended building materials:

	<b>Approved materials</b>
Building exterior	<ul style="list-style-type: none"> <li>• Brick (bare or painted)</li> <li>• Natural or faux Stone</li> <li>• Exterior Insulation Finishing System (EIFS) (as accent only)</li> <li>• Split-face block</li> <li>• Cementitious siding (i.e., Hardiplank)</li> <li>• Glass (as accent only)</li> </ul>
Trim	<ul style="list-style-type: none"> <li>• Vinyl</li> <li>• Metal</li> <li>• Wood</li> <li>• Stone</li> <li>• Brick</li> <li>• Other materials as approved</li> </ul>
Roof	<ul style="list-style-type: none"> <li>• Wood</li> <li>• Slate</li> <li>• Standing seam metal</li> <li>• Asphalt shingles</li> <li>• Fiberglass shingles</li> </ul>

	<b>Approved materials</b>
Signs	<ul style="list-style-type: none"> <li>• Ground-mounted signs (brick or stone base)</li> <li>• Raised signs (may hang from a pole and frame as illustrated below)</li> </ul>

- (4) *Roof treatment.* Designs with a residential style and scale are preferred. Massive rooflines should be broken up by mixing different roof types, dormers, and balconies. Flat roofs are discouraged where practical. If a flat roof is used, a parapet wall shall be used to the extent necessary to screen roof-top equipment.
- (5) *Signs.*
  - a. Only ground-mounted and building-mounted signs which utilize a color and design that is complementary to the building are allowed. Ground-mounted signs cannot exceed 10 feet in height.
  - b. Lighted signs must be turned off after business hours or dimmed to the extent possible to minimize light pollution.
- (6) *Fuel pump canopies.*
  - a. Fuel pump canopies may be required to provide customers with protection from the elements and to provide lighting levels required for dispensing fuel, since they are functional elements of present-day gas/convenience stores; their character and appearance shall reflect a minimalist design consistent with that function.
  - b. The size of the canopy fascia and canopy support columns must be in proportion to the overall size of the canopy structure. The fascia cannot exceed 36 inches in height, including any accent bands.
  - c. Canopy-related elements, including fuel dispensers, support columns, spandrels, planters, etc. should be compatible with the character of the building and site, and cannot be used for advertising.
  - d. The building's architectural elements should not be altered to reflect trademark canopy design.
  - e. Colors, materials, forms, and detailing may be used to coordinate canopies with a site, its building(s), and structures. Colors should be subdued and cannot be an advertisement for the business.
  - f. Fueling stations associated with other uses, such as a grocery store, cannot be located in the front yard.

B. Site design.

- (1) *General.*
  - a. Underground utilities are encouraged.
  - b. Stormwater best management practices that serve multiple small acreage parcels are encouraged.
- (2) *Landscape standards.*
  - a. A buffer must be planted at a minimum width of 35 feet for all new development within the designated Centerville village overlay district along Broad Street Road (Rt 250), Manakin Rd, Hockett Rd, Ashland Rd, Rockville Rd, and Wilkes Ridge Pkwy. The buffer begins at the private property line and extends into the property.

- b. The buffer must contain the landscaping materials required in the underlying zoning district as well as both of the following:
    - (i) One large deciduous tree per 100 linear feet, and one shrub (18—24 inches) per 10 linear feet. The entire buffer must be mulched or sodded; and
    - (ii) Vegetation planted in the streetscape buffer must be of a type and planted so as not to interfere with overhead or underground utility lines when fully grown. All landscaping must adhere to sight distance requirements as determined by the Virginia Department of Transportation.
  - c. Design should be sensitive to the natural landscape, preserve mature trees when possible, and contribute to an organized development plan.
  - d. If required by other provisions of the zoning ordinance, sidewalks, utility easements, signs, and certain stormwater best management structures that encourage infiltration such as, but not limited to, a bioretention pond, may be located in the streetscape buffer. Wet ponds are not allowed within the streetscape buffer.
- (3) *Parking.*
- a. Parking lot construction will consist of asphalt, concrete, pavers or surface treatment.
  - b. Break up parking areas within a development by implementing one or more of the following concepts:
    - (i) No more than a double row of parking along street frontage.
    - (ii) Distribute parking areas on all sides (front, rear, side) of the building.
    - (iii) Utilize low-impact development practices within the parking areas to address stormwater runoff.
  - c. Encourage designs that enhance groundwater recharge.
- (4) *Lighting.* Exterior lighting must be compatible in height and scale with buildings and site design.
- (5) *Fencing.* No chain-link fencing or wood privacy fencing may be used within the village. Fencing must be constructed of durable, low maintenance materials.
- (6) *Pedestrian access.* Pedestrian access between and within sites is required. Incorporate sidewalks along Route 250 within the streetscape buffer and along other roads, where appropriate. A minimum of a two-foot buffer strip between the sidewalk and curb is required.
- (7) *Storage areas and equipment.*
- a. All mechanical, heating, ventilation and air-conditioning units, loading docks and trash containers must be screened from the property line view. See also Sec. 15-443.
  - b. Uses that incorporate bay doors (garages or other similar uses including loading/unloading facilities) must orient the doors so that they do not face Broad Street Road; they may be accessed from the structure's side or rear.
- (8) *Building and parking lot setbacks.* Reduced setbacks that contribute to a pedestrian-friendly orientation are permitted in the village overlay districts. The following building setbacks supersede underlying zoning setback requirements.
- a. Building setbacks for arterial and collector roads (as listed in Sec. 15-344) are 35 feet (width of buffer) from the right-of-way.
  - b. Building setbacks for all other local roads not listed as an arterial or collector are 20 feet from the right-of-way.

- c. Building setbacks from non-road frontage lot lines will be determined by the adjacent zoning district.
  - (i) If the adjacent zoning district is commercial or industrial, the building setback is 10 feet from the right-of-way.
  - (ii) If the adjacent zoning district is residential or agricultural, the building setback is 30 feet from the right-of-way. To adequately screen commercial uses, a minimum of a double row of six-foot evergreen trees must be maintained, or an equivalent landscaping plan as approved by the community development department.

**Secs. 15-448—15-450. Reserved.**



## **ARTICLE 28. FLOODPLAIN DISTRICTS AND DAM BREAK INUNDATION ZONES\***

### **Sec. 15-451. Statement of intent.**

Virginia Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200, which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, this flood ordinance is designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood, and is specifically adopted pursuant to the authority granted to localities by Virginia Code § 15.2-2280.

Accordingly, these regulations are intended to protect areas of floodplain necessary for floodwaters, and to permit and encourage the retention of open land uses located and designed to constitute a harmonious and appropriate part of the physical development of the county as provided for in the comprehensive plan. In advancing these principles, the specific purpose of the floodplain districts is to minimize and reduce the loss of life and property, reduce health and safety hazards, avoid disruption of commerce and governmental services, and eliminate the extraordinary and unnecessary expenditure of public funds for flood protection and relief, or the impairment of the tax base by:

- A. Regulating uses, activities, and developments which, along or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and developments from locating within districts subject to flooding.
- C. Requiring all those uses, activities, and developments that occur in flood-prone districts to be protected and/or floodproofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuitable for intended purposes because of flood hazards.
- E. Protecting individuals from the impacts within dam break inundation zones from failure of impounding structures.

(Ord. No. 6162, § 1, 9-3-24)

### **Sec. 15-452. Applicability.**

These provisions apply to all lands within the county identified as special flood hazard areas (SFHAs) as shown on the flood insurance rate maps (FIRMs) or included in the flood insurance study (FIS) for Goochland County prepared by the Federal Emergency Management Agency, dated October 10, 2024.

(Ord. No. 6162, § 1, 9-3-24)

### **Sec. 15-453. Administration.**

A. Designation of the floodplain administrator. The director of community development is appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (1) Do the work themselves. In the absence of a designated floodplain administrator, the duties will be conducted by the county administrator.

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\***Editor's note**—Ord. No. 6162, § 1, adopted September 3, 2024, repealed the former Art. 28, §§ 15-451—15-466, and enacted a new Art. 28 as set out herein. The former Art. 28 pertained to similar subject matter and derived from the original codification.

- (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (3) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity does not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program (NFIP) as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

B. Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the floodplain administrator include but are not limited to:

- (1) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (2) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (3) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (4) Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the base flood elevation of free-flowing non-tidal waters of the State.
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- (6) Approve applications and issue permits to develop in special flood hazard areas if the provisions of these regulations have been met or disapprove applications if the provisions of these regulations have not been met.
- (7) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (8) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (9) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Goochland County within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (10) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and

- b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (11) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (12) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (13) Administer the requirements related to proposed work on existing buildings:
  - a. Make determinations as to whether buildings and structures that are located in special flood hazard areas and that are damaged by any cause have been substantially damaged.
  - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (14) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- (15) Notify FEMA when the jurisdictional boundaries of Goochland County have been modified and:
  - a. Provide a map that clearly delineates the new boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (16) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (17) Take into account flood, mudslide, and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

C. Use and Interpretation of FIRMs. The floodplain administrator will make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries as follows:

- (1) Where field surveyed topography indicates that adjacent ground elevations:
  - a. Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area will be considered as special flood hazard area and subject to the requirements of these regulations.
  - b. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area will be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
- (2) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source will be reviewed and reasonably used.
- (3) Base flood elevations and designated floodway boundaries on FIRMs and in FISs take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (4) Other sources of data will be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (5) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
  - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data will be used and will replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data will be deemed the best available data pursuant to Sec. 15-456.A.(4) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
  - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
  - d. Jurisdictional Boundary Changes. The County floodplain ordinance in effect on the date of annexation will remain in effect and be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program (NFIP). Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the governing body shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption must take place at the same time

as or prior to the date of annexation and a copy of the amended regulations must be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new jurisdictional limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.  
(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-454. Compliance, penalty for violations, and liability.**

A. No land can be developed and no structure can be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.

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

C. Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of community development or any authorized employee of Goochland County is guilty of the appropriate violation and subject to the penalties thereof.

D. The Virginia Uniform Statewide Building Code (VA USBC) addresses building code violations and the associated penalties in Section 104 and Section 115. Zoning violations and associated penalties are addressed in Sec. 15-52 of the County Zoning Ordinance.

E. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article does not excuse the violation or noncompliance or permit it to continue; and all such persons will be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the County to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

F. This article does not create liability on the part of the county or any of its officers or employees for any flood damages that result from reliance on this article, or any administrative decision lawfully made thereunder. This article does not imply that districts outside the floodplain district, or that land uses permitted within the floodplain district, will be free from flooding or flood damages.  
(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-455. Definitions.**

The following words and phrases mean the following for this article:

- A. *Appurtenant or accessory structure.* A non-residential structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may not exceed 600 square feet.
- B. *Base flood.* The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- C. *Base flood elevation (BFE).* The water surface elevations of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map (FIRM). For purposes of this ordinance, the base flood is the 1% percent annual chance flood.
- D. *Basement.* Any area of the building having its floor subgrade (below ground level) on all sides.
- E. *Dam Break Inundation zone.* The area downstream of a dam that would be inundated or otherwise directly affected by the failure of a dam.
- F. *Development.* Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or other land-disturbing activities or permanent or temporary storage of equipment or materials.
- G. *Elevated building.* For insurance purposes, a no basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- H. *Elevation Certificate.* An administrative tool used by the NFIP to provide elevation information necessary to ensure compliance with community floodplain management ordinances; to inform mitigation actions that will lower flood risk; and/or support a request for a LOMA to remove a building from a high-risk flood area. The elevation certificate lists a building's location, lowest point of elevation, flood zone, and other characteristics.
- I. *Encroachment.* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter flow capacity of a floodplain.
- J. *Existing construction.* Structures for which the "start of construction" commenced before the effective date of the community's first FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM."
- K. *Flood or flooding.*
  - (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
    - a. The overflow of inland waters; or
    - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
    - c. Mudflow - a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water.
  - (2) The collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels; or suddenly caused by an unusually high water level in a

natural body of water due to a severe storm; or by an unanticipated force of nature, such as a flash flood; or by some similarly unusual and unforeseeable event that results in a flood.

- L. *Flood Fringe district.* The portion of an AE zone, where the floodway has been determined, that is located outside the limits of the floodway. It contains areas that are at or below the base flood elevation, that store but do not effectively convey the floodwaters. The basis for the outermost boundary of this district is the base flood elevations contained in the flood profiles of the herein-referenced flood insurance study (FIS) and as shown on the accompanying flood insurance rate map (FIRM).
- M. *Flood Insurance Rate Map (FIRM).* An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- N. *Flood Insurance Study (FIS).* A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.
- O. *Floodprone area.* Any land area susceptible to being inundated by water from any source.
- P. *Floodplain.*
  - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or
  - (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.
- Q. *Floodproofing.* Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- R. *Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.
- S. *Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
- T. *Functionally dependent use.* A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- U. *Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- V. *Historic structure.* Any structure that is:
  - (1) Listed individually in the department of interior's national register of historic places, or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register; or

- (2) Certified or preliminarily determined by the secretary of interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or
  - (3) Individually listed on the state inventory of historic places.
- W. *Hydrologic and Hydraulic Engineering Analysis*. Analyses performed by a Commonwealth of Virginia licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
- X. *Impounding Structure or Dam*. A man-made structure, whether a dam across a watercourse or structure outside a watercourse, used or to be used to retain or store waters or other materials. 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" does 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 § 45.1-222 or 45.1- 225.1 of the Code of Virginia; or (e) obstructions in a canal used to raise or lower water.
- Y. *Letters of Map Change (LOMC)*. A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Letters of Map Change include:
- (1) Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map (FIRM) and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
  - (2) Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
  - (3) Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS).
- Z. *Lowest adjacent grade*. The lowest natural elevation of the ground surface next to the walls of a structure.
- AA. *Lowest floor*. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for vehicle parking, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.

- BB. *Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.
- CC. *Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- DD. *Mean Sea Level.* For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.
- EE. *New construction.* Structures for which the "start of construction" commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after effective date of community's first floodplain management ordinance adopted by the community and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
- FF. *Post-FIRM structures.* A structure for which construction or substantial improvement occurred on or after March 1, 1979.
- GG. *Pre-FIRM structures.* A structure for which construction or substantial improvement occurred before March 1, 1979.
- HH. *Recreational vehicle.* A vehicle which is:
- (1) Built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- II. *Repetitive Loss Structure.* A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- JJ. *Severe repetitive loss structure.* A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- KK. *Shallow flooding area.* A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- LL. *Special flood hazard area (SFHA)*. The land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year as determined in Sec. 14-456 of this ordinance.
- MM. *Start of construction*. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site (such as the pouring of a slab or footings), the installation of piles, the construction of columns, or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, even if the alteration does not affect the external dimensions of the building.
- NN. *Structure*. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- OO. *Substantial damage*. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.
- PP. *Substantial improvement*. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been identified by a code enforcement official and which are the minimum necessary to assure safe living conditions, or
  - (2) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an historic structure.
  - (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- QQ. *Violation*. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as the documentation is provided.

RR. *Watercourse*. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-456. Establishment of floodplain districts.**

A. Basis of districts. The following floodplain districts are hereby established based on the flood insurance study (FIS) and the flood insurance rate maps (FIRM) for the county prepared by the Federal Emergency Management Agency (FEMA), dated October 10, 2024, and any subsequent revisions or amendments thereto.

The boundaries of the floodplain districts are established as shown on the FIRM, which is declared to be a part of this ordinance and which is kept on file at the Goochland County Community Development office.

- (1) The floodway district is located within an AE zone and is delineated for purposes of this article using the criteria that a certain area within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 23 of the above referenced flood insurance study (FIS) and shown on the accompanying flood insurance rate map (FIRM).

The following provisions apply within the floodway district of an AE zone:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development will be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses must be undertaken only by professional engineers or others of demonstrated qualifications, who must certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., must be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities that increase the water surface elevation of the base flood may be allowed provided that the applicant first applies, with Goochland County's endorsement, for a Conditional Letter of Map Revision (CLOMR), and receives FEMA approval.

If the requirements of this section are satisfied, then all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of Sec. 15-462.

- b. The placement of manufactured homes (mobile homes) is prohibited.
- (2) The flood fringe district is that portion of an AE zone with a designated floodway, that is not included in the floodway district. The basis for the outermost boundary of this district shall be the base flood elevations contained in the flood profiles of the above-referenced flood insurance study (FIS) and as shown on the accompanying flood insurance rate map (FIRM).
- (3) The approximated floodplain district, designated as Zone A, is that floodplain area for which no detailed flood profiles or elevations are provided, but where a base flood boundary has been approximated. These areas are shown as Zone A on the maps accompanying the flood insurance study (FIS). For these areas, the base flood elevations with floodway information from federal, state, and other acceptable sources will be used, when available. Where the specific base flood

elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers floodplain information reports, U.S. geological survey flood-prone quadrangles, etc., then the applicant for the proposed use, development and/or activity must determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses may be undertaken only by professional engineers or others of demonstrated qualifications, who are required to certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., must be submitted in sufficient detail to allow a thorough review.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor must be elevated as specified in Sec. 15-462.E.

During the permitting process, the floodplain administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been floodproofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been floodproofed.

Base flood elevation data must be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

#### B. Overlay concept.

- (1) The floodplain districts described above are overlays to the existing underlying zoning districts as shown on the County's official zoning map, and as such, the provisions for the floodplain districts supplement the underlying zoning district provisions.
- (2) Where there is any conflict between the provisions or requirements of any of the floodplain districts and those of any underlying zoning district, the more restrictive provisions apply.
- (3) In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying zoning provisions will remain applicable.

(Ord. No. 6162, § 1, 9-3-24)

#### **Sec. 15-457. Official map.**

The boundaries of the floodplain districts are established as shown on the flood insurance rate map (FIRM), which is declared to be a part of this article. The flood insurance rate maps and dam break inundation zone maps will be kept on file at the community development department.

(Ord. No. 6162, § 1, 9-3-24)

#### **Sec. 15-458. District boundary changes.**

The delineation of any of the floodplain districts may be revised by the board of supervisors where natural or manmade changes have occurred or where more detailed studies have been conducted or undertaken by the county, the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any change, approval must be obtained from FEMA.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-459. Interpretation of district boundaries.**

Interpretation of the floodplain district boundaries will be made by the floodplain administrator, whose determination may be appealed to the board of zoning appeals.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-460. Submitting Model Backed Technical Data.**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-461. Letters of Map Revision.**

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision (CLOMR) and then a Letter of Map Revision (LOMR).

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-462. General provisions.**

A. Permit requirements. Development in a floodplain district must comply with this article and other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code (VA USBC) and the county subdivision ordinance, and may be undertaken only upon issuance of all necessary permits, including a conditional use permit if necessary. Uses and activities in floodplain districts that require a conditional use permit are identified in Sec. 15-463. Prior to issuance of any permits for development in floodplain districts, the floodplain administrator shall review all applications for compliance with all applicable State and Federal laws, as well as this ordinance, to ensure the use or activity is reasonably safe from flooding. Under no circumstances may any use, activity, or development adversely affect the capacity of the channels or floodway or any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or relocation of watercourse. Prior to any proposed elevation or relocation of any channels or of any watercourse, streams, etc., a permit must be obtained from the U.S. Army Corps of Engineers, the state water control board, and the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal must be given by the applicant to all affected adjacent jurisdictions, the division of dam safety and floodplain management (department of conservation and recreation), and the Federal Emergency Management Agency (FEMA), with proof of notice being provided to the floodplain administrator. The flood-carrying capacity within an altered or relocated portion of any watercourse must be maintained.

C. Site plans and permit applications. All applications for development in the floodplain district or within a dam break inundation zone must include the following information:

- (1) Elevation of the lowest floor (including basement).
- (2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.
- (3) The elevation of the base flood.

- (4) Topographic information showing existing and proposed ground elevations.
- (5) Location of floodway, if it has been determined. Flood zones with undetermined floodway must submit to FEMA for approval of floodway designation.
- (6) Dam break inundation zone, if available.

D. General Permit Standards. The following provisions apply to all permits within a special flood hazard area (SFHA):

- (1) New construction and substantial improvements must be: (i) built in accordance with this ordinance and the VA USBC, (ii) constructed by methods and practices that minimize flood damage, (iii) constructed with materials and utility equipment resistant to flood damage, and (iv) anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Elevation and Construction Standards. In all identified special flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional, the following provisions apply:

- (1) Residential Construction. New construction or substantial improvement of any residential structure in AE or A zones with detailed base flood elevations must have the lowest floor, including basement, elevated to or above the base flood level plus 3 feet.
- (2) Non-Residential Construction.
  - a. New construction or substantial improvement of any commercial, industrial, or non-residential buildings shall have the lowest floor, including basement, elevated to or above the base flood level plus 1 foot.
  - b. Non-residential buildings located in AE or A zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two feet are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Commonwealth of Virginia registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the department of community development.
- (3) Space Below the Lowest Floor. In zones A and AE, fully enclosed areas of new construction or substantially improved structures that are below the regulatory flood protection elevation must:
  - a. Not be designed or used for human habitation, but may be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area must be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
  - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation; and

- c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a Commonwealth of Virginia licensed professional engineer or architect or meet the following minimum design criteria:
  1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  2. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  3. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  4. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  6. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (4) Accessory Structures. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Sec. 15-462.E(2) or, if not elevated or dry floodproofed, must:
  - a. Not be used for human habitation;
  - b. Be limited to no more than 600 square feet in total floor area;
  - c. Be used only for parking vehicles or limited storage;
  - d. Be constructed with flood damage-resistant materials below the base flood elevation;
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
  - f. Be anchored to prevent flotation;
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;
  - h. Be provided with flood openings that meet the following criteria:
    1. There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    2. The total net area of all flood openings must be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a Commonwealth of Virginia licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.
    3. The bottom of each flood opening must be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
    4. Any louvers, screens or other covers for the flood openings must allow the automatic flow of floodwaters into and out of the enclosed area.

- (5) Standards for Recreational Vehicles. All recreational vehicles placed on sites must be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions).

F. Preexisting and nonconforming structures. A structure or use of a structure or premises that lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (1) Existing structures in the floodway district cannot be changed, repaired or improved unless one of the following exceptions is established before the change is made:
  - a. It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed change, repair, or improvement would not result in any increase in the base flood elevation.
  - b. The floodplain manager has determined that:
    1. The change is not a substantial repair or substantial improvement, and
    2. No new square footage is being built in the floodplain that is not complaint, and
    3. No new square footage is being built in the floodway, and
    4. The change complies with this ordinance and the VA USBC.
  - c. The change is required to comply with a citation for a health or safety violation.
  - d. The structure is a historic structure and the change required would impair the historic nature of the structure.
- (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than 50% of its market value must conform to the Virginia Uniform Statewide Building Code (VA USBC).
- (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain district, to an extent or amount of 50% or more of its market value can be undertaken only in full compliance with this article and the entire structure must conform to the Virginia Uniform Statewide Building Code (VA USBC).

G. Dam break inundation zones. No land can be developed or subdivided within the boundaries of a mapped dam break inundation zone unless it complies with the provisions of Virginia Code § 10.1-606.3. If the state department of conservation and recreation determines that the development or subdivision would change the spillway design flood standards of the impounding structure, and the proposed subdivision would allow development of three or more units (commercial, industrial, or residential in use), the county cannot permit the subdivision unless:

- (1) The applicant agrees to alter the development so that it does not alter the spillway design flood standard required of the impounding structure; or
- (2) The applicant contributes payment to construct the necessary upgrades to the affected impounding structure pursuant to Virginia Code § 15.2-2243.1.

H. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
  - (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study (FIS) for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.
- (Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-463. Allowable uses and structures in floodplain districts.**

The following uses and structures may be approved by the floodplain administrator or board of supervisors, as appropriate, provided the applicant has obtained and is in compliance with all required permits under this and other county ordinances, including Sec. 15-462 above, and the use or structure is not prohibited by any other ordinance. Uses and structures identified in the chart below followed by the letter "A" can be approved administratively and do not require a conditional use permit. Uses and structures identified in the chart below followed by the letters "CUP" require the applicant to apply for and obtain a conditional use permit from the board of supervisors in accordance with Sec. 15-468 below, in addition to all other permits required by this and other county ordinances.

Principal Uses and Structures	P or CUP
Accessory use customarily and clearly incidental and subordinate to use permitted by right	CUP
Agricultural use, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting	A
Accessory residential use, such as yard areas, garden, play area, and pervious loading areas	A
Carnival; circus; fair; any similar transient amusement enterprise	CUP
Commercial and industrial structures and use, including warehousing, which may require railroad frontage, provided they are located so as not to impede the flow of floodwaters pursuant to Sec. 15-467. Earthen or other fill material or nonresidential elevated structures may be utilized so long as the purpose and intent of Sec. 15-467 are upheld. Nonresidential structures located in a floodplain district must satisfy the performance standards of the Virginia Uniform Statewide Building Code and Sec. 15-467.	CUP
Commercial campground	CUP
Game farm; fish hatchery (excluding rearing structure); hunting and fishing reserves; boat landing	A
Gas transmission line	CUP
Hunting; fishing	A
Office quarters housed in a temporary structure such as a mobile home or trailer which may be readily towed or otherwise removed from the flood fringe prior to inundation by floodwaters	CUP
Outlet installation for sewage treatment plant; sealed public or private water supply well	A
Park; playground; day camp; picnic ground; golf course; golf driving range; miniature golf course; yacht club	CUP

Paved off-street parking, or loading and unloading area related to a use in an adjoining district	CUP
Public park; public recreational facility	A
Public and commercial swimming pool	CUP
Public utility distribution facility	A
Public utility transmission line (including liquid and natural gas), transmission tower, pipe, meter, railroad	CUP
Pulpwood receiving and storage yard, wood shipping scale, scale house, pumping station, and loading dock, provided these structures do not impede the flow of floodwaters or restrict the flow of debris	CUP
Retaining wall; channel improvement; flood retention dam and levee; culvert and bridge; all approved by state department of highways	A
Roadside stand for the sale of fish bait, or agricultural or horticultural products produced on the premises	CUP
Sand and gravel pit; quarry; soil removal; mining operation; all in accordance with Sec. 15-283.F	CUP
Structure customarily accessory and clearly incidental and subordinate to agricultural uses; park, playground, day camp, picnic ground, golf course/driving range, yacht club; sand and gravel pit and quarry, soil removal, mining operation; and commercial campground	CUP
Wildlife preserve; conservation area; woodland preserve; arboretum	A

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-464. Prohibited uses and structures.**

A. Any use or structure not of a character indicated in the allowable uses and structures chart in Sec. 15-463.

B. Manufactured homes.

C. Filling in with dirt, gravel, minerals or refuse, or regrading of land in a floodplain in any manner that would obstruct, interfere, or otherwise adversely affect flow patterns and currents during flooding.

D. Private package sewage treatment plants, including conventional and alternative onsite septic systems, except for replacement systems as provided in Sec. 15-465.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-465. Design criteria for utilities and facilities.**

A. Sanitary sewer facility. All new or replacement sanitary sewer facilities (including all pumping stations and collector systems) must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Onsite septic systems. All replacement onsite waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding.

C. Water facilities. All new or replacement water facilities must be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

D. Drainage facilities. All storm drainage facilities must be designed to convey the flow of surface waters without damage to persons or property. The systems must ensure drainage away from buildings and onsite waste disposal sites.

E. Utilities. All utilities, such as gas lines, or electrical and telephone systems, being placed in floodprone areas should be elevated, where possible, and constructed to minimize the chance of impairment during a flooding occurrence.

F. Streets and sidewalks. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings are required to sufficiently discharge flood flows without unduly increasing flood heights.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-466. Area regulations.**

The minimum lot area for each permitted use is eight acres; provided, however, this requirement does not apply to off-street parking, loading, or unloading, and front, side, and rear yard of uses permitted in an adjoining district. Maximum lot coverage by all structures cannot exceed 5% of total lot area.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-467. Special requirements applicable to floodplain districts.**

A. Flood flow not to be obstructed. Any provisions to the contrary notwithstanding, no use or structure is permitted in any floodplain if it will adversely affect normal flood flow, or will increase flooding of lands above or below the property, or will increase erosion within or adjoining the floodplain, or will cause diversion of floodwaters in a manner more likely to create damage than does flow in a normal course, or will increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or will increase amounts of damaging materials (including those likely to be injurious to health) which might be carried downstream in floods.

B. Obstruction minimized; safety maximized. Every structure permitted in floodplains must be located, elevated, and constructed to resist flotation and to offer minimum obstruction to flood flow. The ground floor level of every dwelling must be a minimum of three feet above the base flood elevation. No use is permitted if it will increase the amounts of potentially damaging materials, including those likely to be injurious to health, which might be carried downstream in floods.

C. Floodway district. No encroachments, including fill, new construction, substantial improvements, or other development are permitted unless it has been demonstrated, through hydrologic and hydraulic analyses performed in accordance with standard engineering practices, that the proposed encroachment would not result in any increase in the base flood elevation.

D. Flood fringe and approximated floodplain districts. When base flood elevation data or floodway data has not been provided, the floodplain administrator will obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or any other source, in order to administer the provisions under this section and those under Sec. 15-459.

(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-468. Additional factors to satisfy conditional use permits and variances.**

In approving applications for conditional use permits, the board of supervisors and, for variances, the board of zoning appeals, must satisfy all relevant factors and procedures specified in other sections of this ordinance and the following factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No conditional use permit or variance may be granted for any proposed use, development, or activity within the floodway district that will cause any increase in flood levels during the 1% annual chance flood.

- B. The danger that materials may be swept onto other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The facility's need for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposal use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan.
- J. The safety of access to the property in time of flood of ordinary and emergency vehicles.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- L. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. No variance shall be granted for an accessory structure exceeding 600 square feet.
- N. Such other factors relevant to the purposes of this article.
- O. The board of supervisors and/or the board of zoning appeals may obtain the services of an engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
- P. Conditional use permits and variances can be issued only after it has been determined that the granting of them will not result in:
  - (1) Unacceptable or prohibited increases in flood heights;
  - (2) Additional threats to public safety;
  - (3) Extraordinary public expense;
  - (4) Nuisances;
  - (5) Fraud or victimization of the public; or
  - (6) Conflict with local laws or ordinances.
- Q. Variances should only be issued if they will provide the minimum relief to exceptional hardship.
- R. An applicant who obtains approval to construct a structure below the base flood elevation must be notified in writing that it:
  - (1) Increases risks to life and property; and
  - (2) Will result in increased premium rates for flood insurance.

S. A record of the notification to the application, and a record of all conditional use permits or variances, including justification for their issuance, must be maintained and noted in the annual report submitted to FEMA.  
(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-469. Appeals.**

Original determinations under this article, including questions on the boundaries of the special flood hazard area, will be made by the floodplain administrator. The boundaries can be validated by detailed on-site surveys approved by FEMA. In rendering decisions under this article, the board of zoning appeals shall consider, in addition to other evidence and standards, the findings and recommendations of the Monacan soil and water conservation district directors and staff, and the recommendations of the planning commission and other appropriate agencies. In any appeal procedure, both the property owner, at his expense, and the county or any other of its agencies or agents, will have the right to conduct on-site surveys and other studies, and present testimony and evidence of them to the floodplain administrator and to the board of zoning appeals.

The board of zoning appeals may require the applicant to submit to it engineering or other studies, prepared by competent engineers or other technical persons, when such information is needed to determine the effects of flooding on a proposed structure or use.  
(Ord. No. 6162, § 1, 9-3-24)

**Sec. 15-470. Records.**

Records of actions associated with administering this ordinance shall be kept on file and maintained by or under the direction of the floodplain administrator in perpetuity.  
(Ord. No. 6162, § 1, 9-3-24)

**Secs. 15-471—15-480. Reserved.**



**ARTICLE 29. NONCONFORMING LOTS, STRUCTURES, AND USES****Sec. 15-481. Statement of intent.**

Lots, structures, uses of land, uses of structures, and characteristics of use lawfully exist which have or may be in the future prohibited, regulated, or restricted under the adoption or amendment of the zoning ordinance. Generally, this article intends to permit these nonconformities to continue until they are discontinued or removed, but not to encourage their survival. Nonconformities cannot be enlarged upon, expanded, or extended, nor be used as grounds for adding other prohibited structures or uses.

- A. To avoid undue hardship, no change will be required in the plans, construction or designated use of any building on which actual construction has lawfully begun and is being diligently pursued prior to the effective date of a zoning ordinance amendment which would render the building nonconforming. Construction includes the placing and permanent fastening of construction materials. Where substantial excavation, demolition, or removal of an existing building has begun preparatory to rebuilding, the excavation, demolition or removal will constitute construction if the work has been diligently pursued.
- B. Advertising structures that become nonconforming because of an amendment to the zoning ordinance must be relocated to a permitted district within 24 months of their becoming nonconforming.
- C. Temporary seasonal uses which become nonconforming through the adoption or amendment of the zoning ordinance, but which have been in continuous use seasonally for at least two consecutive years will be considered nonconforming uses.

**Sec. 15-482. Nonconforming lots of record.**

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any lot that has already been recorded in compliance with the existing ordinance at the time of recordation, but only if the district yard dimensions and requirements other than lot area and width conform to the current district requirements. A variance to the yard requirements can only be obtained through a variance approved by the board of zoning appeals.

**Sec. 15-483. Nonconforming uses of land.**

When a lawful use of land exists which would not be permitted by the adoption or amendment of the zoning ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. The nonconforming use cannot be enlarged or increased, nor extended to occupy a greater area of land than was occupied before it became nonconforming.
- B. The nonconforming use cannot be moved in whole or in part to any portion of the lot or parcel other than that occupied by it before it became nonconforming, unless moving the use makes it conform to the current zoning ordinance.
- C. If the nonconforming use ceases for any reason for a period of more than two years, then it loses its nonconforming status and cannot lawfully be restarted unless it comes into compliance with the zoning ordinance.
- D. Any additional structures for the nonconforming use must comply with the zoning ordinance.

- E. If the nonconforming use was issued a business license for the use and the business license holder has operated the use continuously in the same location for at least 15 years and has paid all local taxes related to the use, then the business license holder may apply for a rezoning or a conditional use permit without paying any filing fees.

**Sec. 15-484. Nonconforming structure.**

Where a lawful structure exists but becomes nonconforming by virtue of the adoption or amendment of the zoning ordinance related to restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, it may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. The nonconforming structure cannot be enlarged or altered in a way which increases its nonconformity, but it may be altered to eliminate its nonconformity.
- B. If the nonconforming structure is moved for any reason and for any distance, it must thereafter conform to the zoning ordinance requirements.

**Sec. 15-485. Nonconforming use of structure or of structure and premises.**

If a lawful use involving individual structures, or involving both structure(s) and property, becomes nonconforming by virtue of the adoption or amendment of the zoning ordinance, the lawful use may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. The structure cannot be enlarged, extended, constructed, reconstructed, moved, or structurally altered except if the modification eliminates the nonconformity.
- B. The nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use before it become nonconforming, but the nonconforming use cannot extend to occupy any land outside the structure.
- C. If no structural alterations are made, nonconforming uses of a structure, or structure and property, may, through a conditional use permit, be changed to another nonconforming use provided that the board of supervisors finds that the proposed use is equally appropriate or more appropriate in the district than the existing nonconforming use. In permitting such change, the board of supervisors may require appropriate conditions and safeguards.
- D. Any structure, or structure and property, in or on which a nonconforming use is superseded by a permitted use, must thereafter conform to the zoning ordinance, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure or structure and property is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and property, can only be used thereafter in conformity with the zoning ordinance.

**Sec. 15-486. Public utility lot.**

A public utility lot is a lot created prior to September 4, 2018, on which a well or other structure was constructed to provide utility service to multiple residences. A public utility lot which is not in use to provide utility service to multiple residences does not become a buildable lot. A public utility lot which is currently being used to provide utility service to multiple residences may, without losing prior

nonconforming status, be increased in area solely to accommodate utility service improvements, provided the larger lot continues to be used to provide utility service to multiple residences, and provided the larger lot meets these design standards:

- A. Minimum setback of 15 feet from any public right-of-way, or at least equal to the setback of the existing well or other structure;
- B. Minimum yard setbacks of five feet, or at least equal to the setbacks of the existing well or other structure; and
- C. Well or other structure is adequately screened from adjacent residential uses.

**Sec. 15-487. Repairs and maintenance.**

For any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months for ordinary repairs or to repair or replace nonbearing walls, fixtures, wiring, or plumbing so long as the repairs or replacement do not exceed 25% of the value of the nonconforming structure as appraised by the county assessor.

- A. If any residential or commercial building is damaged or destroyed by a natural disaster, accidental fire, or other act of God, the owner may, without obtaining a variance, repair, rebuild, or replace the building to eliminate or reduce the nonconforming features to the extent possible. If the building is damaged greater than 50% and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, then owner has the right to do so, so long as any work to repair, rebuild, or replace the building is done in compliance with the Virginia Uniform Statewide Building Code, the provisions of the local flood plain regulations, and if the building is repaired, rebuilt, or replaced within two years from when it was damaged or destroyed. However, if the damaged or destroyed nonconforming building is located in an area under a federal disaster declaration and the damage or destruction was caused by the circumstance that was the cause for the declaration, then the owner has up to four years to repair, rebuild, or replace the building.
- B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it cannot thereafter be restored, repaired, or rebuilt except in conformity with the zoning ordinance.
- C. Nothing in this article shall be deemed to prevent the strengthening or restoring to safe condition of any building or part thereof which any official charged with protecting the public safety has declared to be unsafe and ordered that it be restored to a safe condition.

**Secs. 15-488—15-490. Reserved.**



**ARTICLE 30. BOARD OF ZONING APPEALS****Sec. 15-491. Composition; Powers, and Duties.**

A. *Composition.* The board of zoning appeals (board) consists of five members, each appointed by the Goochland County Circuit Court for terms of five years. The secretary of the board must notify the court at least 30 days in advance of the expiration of any member's term, or promptly if any vacancy occurs. Vacancies will be filled by the court for the unexpired portion of the term. A member whose term expires shall continue to serve until his successor is appointed and qualifies, unless prohibited by law. If authorized by the board of supervisors, each member can receive compensation for attendance at each meeting of the board. Any board member or alternate may be removed, by the court, for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, after a hearing and at least 15 days' notice of the hearing.

In addition to regular members, the board of supervisors may request, and the court may appoint two alternate members. The qualifications, terms, and compensation of alternate members will be the same as regular members. A regular member, when he knows he will be absent from or will have to abstain from any application at a meeting, will notify the chair as soon as practicable and at least 24 hours prior to the meeting. The chair may select an alternate to serve in the absent or abstaining member's place. An alternate member may vote on any proceeding in which he takes the place of or votes instead of a regular member.

B. *Ex parte communications, proceedings.* The county's non-legal staff may have ex parte communications (communications in which not all parties to a matter are present) with a board member, but may not discuss the facts or law relative to a particular case. The applicant, landowner, or his agent or attorney may have ex parte communications with a board member, but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law relative to a particular case occurs, the party engaging in the communication must inform the other party as soon as practicable, including a description of the substance of the communications. Ex parte communications do not include discussions as part of a public meeting to which staff, the applicant, landowner or his agent are all invited.

Any materials relating to a particular case furnished to a board member must be made available as soon as practicable, but at least within three business days, to the applicant, appellant or other aggrieved person, at no cost. Any materials furnished to a board member must also be made available for public inspection.

For purposes of this section, "non-legal staff" means any staff who is not employed in the county attorney's office. Nothing in this section precludes the board or board members from having ex parte communications with any attorney or staff of any attorney when those communications are protected by the attorney-client or other privilege.

C. *Powers.* The board has the following powers and duties:

- (1) To hear and decide appeals from any written order, requirement, decision, or determination made by any administrator in the administration or enforcement of the zoning ordinance or the state laws pertaining to zoning.
- (2) To hear and decide variances.
- (3) To hear and decide interpretations of the official zoning map where there is uncertainty as to the location of a district boundary.
- (4) To fix a schedule of regular meetings and adopt procedures appropriate for the board's operation.

D. *Applications.* A request for a variance or map interpretation must be initiated by filing a completed application on the form approved by the community development department. Applications may be made by property owners, tenants, or contract purchasers, but all applications must contain consent from all property owners. Applications are only complete when all maps, plans, plats or other supporting information are submitted and payment is made of the applicable fee as identified in the fee schedule adopted as an appendix to this code. The zoning administrator will transmit a copy of the application to the board secretary for placing on the board docket; and to the planning commission, which may send a recommendation to the board or appear as a party at the hearing.

E. *Appeals.* Appeals from any written order, requirement, decision, or determination of the zoning ordinance made by an administrator may be filed by any person aggrieved by it or any county officer, department, or board affected by it. Appeals must be filed within 30 days of the order, requirement, decision or determination. Appeals can only be initiated by filing with the zoning administrator and the board a notice of appeal that states the grounds of the appeal, and paying the fee stated in the fee schedule adopted as an appendix to this code.

F. *Hearings.* The board will fix a reasonable time for a hearing on an application or appeal, and provide the required notice of the hearing to the public and any parties to a pending matter, pursuant to Virginia Code §§ 15.2-2204, 15.2-2310, or 15.2-2311, as applicable.

G. *Notice.* When an applicant or appellant is not the property owner, then the property owner may request notice of the application or appeal and the board secretary will provide the notice, or require the applicant or appellant to provide it and give satisfactory evidence of having done so. Written notice mailed to the owner at the last known address on the real estate tax assessment records will satisfy the notice requirements.

#### **Sec. 15-492. Appeals.**

A. Appeals must be taken within 30 days of the decision by filing with the administrator and the board a notice of appeal specifying the appeal grounds. The board secretary will transmit to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings to enforce the action on appeal unless the administrator certifies to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed by the board.

B. The determination of the administrative officer shall be presumed to be correct. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from. The concurring vote of three board members is necessary to reverse any order, requirement, decision, or determination of the administrator. If the board's attempt to reach a decision on an appeal results in a tie vote, and the appellant requests it, then the matter may be carried over until the board's next scheduled meeting.

C. The board is required to make its decision within 90 days of the filing of the appeal.

#### **Sec. 15-493. Variances.**

A. A variance is a reasonable deviation from the zoning ordinance regulations regarding the shape, size, or area of a lot or parcel, or the size, height, area, bulk, or location of a structure. Variances can be granted only when the strict application of the zoning ordinance would unreasonably restrict the use of the property, the need for the variance is not generally shared by other properties, and granting the variance is not contrary to the purposes of the zoning ordinance; however, a variance cannot permit a change in use which could occur only through a rezoning or conditional use permit.

B. A variance must be granted if the evidence shows that the strict application of the zoning ordinance would unreasonably restrict the utilization of the property, or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon, or that the granting of a reasonable modification to property or improvements thereon requested by, or on behalf of, a person with a disability would alleviate a hardship related to the disability, and all of the following are true:

- (1) the property interest was acquired in good faith and any hardship was not created by the applicant;
- (2) the granting of the variance will not be of substantial detriment to adjacent and nearby properties;
- (3) the condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable an amendment to the zoning ordinance;
- (4) 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
- (5) the relief or remedy sought is not available through a conditional use permit.

C. Any variance granted to provide a reasonable modification for the benefit of person with a disability may expire when the intended beneficiary no longer needs it.

D. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts may be considered grounds for granting a variance.

E. The concurring vote of three board members is necessary to grant a variance.

F. In granting a variance, the board may impose conditions regarding the location, character, and other features of the proposed structure or use as it finds necessary in the public interest, and may require a surety bond to ensure that the conditions imposed are being and will continue to be complied with.

G. Notwithstanding any other provision of law, the property on which a variance has been approved must be treated as conforming for all purposes under state law and this ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the property or part of the structure for which no variance is required. Where the expansion is proposed within an area of the property or part of the structure for which a variance is required, the approval of an additional variance is required.

#### **Sec. 15-494. Interpretation of district map.**

The board will hear and decide applications for interpretation of the official zoning map where there is any uncertainty as to the location of a district boundary. The board should interpret the map in a manner that carries out the intent and purpose of the zoning ordinance for the appropriate section or district; however, the board does not have the power to rezone property, or substantially change the locations of district boundaries. The concurring vote of three board members is required to determine district boundaries.

#### **Sec. 15-495. Appealing board decisions.**

An appeal of a decision of the board may be taken to the Goochland County Circuit Court within 30 days as provided under Virginia Code § 15.2-2314.

**Sec. 15-496. Building permit appeals.**

*Court hearing.* When a building permit has been issued and a person who has no actual notice of the building permit issuance seeks to prevent, restrain, correct, or abate the construction because of a zoning violation, they may file suit in the Goochland County Circuit Court within 15 days after the start of construction even though no appeal was taken from the decision of the administrator to the board.

**Secs. 15-497—15-499. Reserved.**

**ARTICLE 31. DEFINITIONS****Sec. 15-500. Definitions.**

*Abattoir.* A commercial slaughterhouse.

*Access.* A way or means of approach to provide vehicular or pedestrian entrance or exit to a property or properties.

*Access connection.* Any driveway or other point of entry and/or exit that connects to the general road system.

*Access category.* A functional classification that determines which access management standards apply.

*Accessory family housing unit, attached.* A second dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, and contained within or attached as part of the same structure as the principal dwelling unit.

*Accessory family housing unit, detached.* A second dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a lot, and located in a separate or detached structure.

*Accessory use or structure.* A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

*Acreage.* Property, regardless of size, described by metes and bounds, and not a numbered lot on any recorded subdivision plat.

*Adjacent.* Property that shares a boundary with another lot or property, or located directly across a street or right-of-way from a lot or property.

*Adult business.* A bookstore, video store, movie theater, store, or other business providing adult merchandise or adult entertainment.

*Adult day care center.* A facility which provides care to adults during part of the day, but not overnight.

*Adult entertainment.* Dancing, modeling, or other live performances characterized by an emphasis on specified anatomical areas or specified sexual acts, or intended for the sexual stimulation or titillation of patrons. Also includes the showing of movies, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media which depicts, describes, or relates to specified sexual activities or specified anatomical areas, or intended for the sexual stimulation or titillation of patrons.

*Adult merchandise.* Magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other media which depicts, describes or relates to specific sexual activities or specified anatomical areas, or intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices, or paraphernalia designed as representations of human genital organs marketed primarily for use to stimulate human genital organs, and lingerie, leather goods, or other goods marketed to suggest use for sadomasochistic practices.

*Agricultural processing.* Any business that provides support and services to the production of crops, animals, fowl, or bees, including: fruits and vegetables; meat, dairy, and poultry; fiber, nuts, tobacco,

nursery, and floral products; and the production and harvest of products from silviculture and/or aquaculture activity. Uses must operate in conjunction with and on the property of ongoing agricultural, horticultural, or animal husbandry uses.

*Agribusiness.* Any business that provides support and services to the production of crops, animals, fowl, or bees, including: fruits and vegetables; meat, dairy, and poultry; fiber, nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture and aquaculture activity. Uses must operate in conjunction with and on the property of ongoing agricultural, horticultural, or animal husbandry uses.

*Agriculture.* Any operation devoted to the production of crops, animals, fowl, or bees, including: fruits and vegetables; meat, dairy, and poultry; fiber, nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture and aquaculture activity.

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

*Alteration.* Any change in the total floor area, use adaptability, or external appearance of an existing structure.

*Amusement and recreation services.* Establishments engaged in providing entertainment for a fee, including but not limited to the following activities: dancing, theatrical productions, and musical entertainment; theaters; bowling alleys, and billiard establishments; and commercial facilities, such as arenas, rings, rinks and racetracks; public golf courses; amusement parks, membership sports and health clubs, beaches; swimming pools; riding academies; and carnivals or game parlors.

*Animal boarding facility.* Any structure, or land, operated for commercial gain for the boarding, breeding, or care of dogs, cats, pets, fowl, ponies, horses or other domestic animals.

*Animal grooming.* See retail sales and uses.

*Animal hospital.* A place where animals are provided medical care and animal boarding is limited to short-term care incidental to the medical care.

*Animal kennel.* See kennel, commercial, or kennel, private.

*Animal shelter.* A facility used to house stray, homeless, abandoned, or unwanted animals, and which is owned, operated, or maintained by a public body, established humane society, animal welfare society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

*Antique shop.* An establishment principally engaged in the retail sale of furniture, art, or decorative objects made in an earlier time period.

*Apartment.* A building containing dwelling units for more than three families.

*Archery range.* A facility, which may include structures, used for target practice with bows and arrows.

*Arterial.* A road meeting the description of a principal arterial or minor arterial in the major thoroughfare plan.

*Assisted living facility.* Any congregate care facility which provides a principally residential setting for the care of four or more adults who are aged, infirm, or disabled, and which provides or coordinates personal and health care services, 24-hour supervision, and assistance, except that the following are not included:

- A. A facility or portion of a facility licensed by the Virginia Board of Health, or the Virginia Department of Behavioral Health and Developmental Services;
- B. A dwelling of an individual who cares for only persons related to him by blood or marriage;
- C. A facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 22 if it is licensed by the Virginia Department of Social Services as a children's residential facility;
- D. Any housing, for persons 62 years of age or older, or the disabled, that provides no more than basic coordination of care services, and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority; and
- E. A residential facility for eight or fewer individuals which is treated as a single-family dwelling in accordance with Virginia Code § 15.2-2291.

*Athletic field.* See recreational facility.

*Auction facility.* An establishment where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

*Automobile.* A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than eight passengers and licensed by the appropriate state agency as a passenger vehicle. Includes light trucks and vans.

*Automobile sales.* The use of any building, or property, principally for the display, sale, rental, or lease of new or used automobiles. Accessory uses may include automobile preparation, warranty, or repair work.

*Auxiliary lane.* Any additional special purpose lane, such as speed change lanes, hill climbing lanes, and turning lanes.

*Bar.* An establishment in which alcoholic beverages are served, primarily by the drink, and where food or packaged liquors may also be served or sold. Includes taverns.

*Basement.* The lowest level of structure which has not more than ½ of its height below grade. A basement is a story for height regulation.

*Bed and breakfast.* An owner-occupied dwelling, where a portion is used for transient lodging for less than 30 consecutive days in exchange for a charge. Occupancy is limited by the number of occupants allowed by the septic system permit, but cannot exceed 10 people. Meals may be included as an accessory use.

*Billiards.* See amusement and recreation services.

*Bingo hall.* See amusement and recreation services.

*Biosolids.* Sewage sludge that has received an established treatment for required pathogen control, is treated or managed to reduce vector attraction to a satisfactory level, and contains limited levels of pollutants so that it is acceptable for use by land application, marketing, or distribution in accordance with pollution abatement permit regulations and pollutant discharge elimination system permit regulations.

*Biosolids onsite storage.* Short-term storage of biosolids on a constructed surface located on a property approved for land application at a location preapproved by the Virginia Department of Environmental Quality. Onsite storage facilities are required to meet all the requirements contained in Virginia Administrative Code Sec. 9VAC25-32-550D. These stored biosolids can be applied only to properties under the operational control of the same owner or operator of the property where the onsite storage is located and must be land-applied within 45 days of the material arriving at the storage facility.

*Biosolids routine storage.* Routine storage is the long-term storage of biosolids at a facility not located at a wastewater treatment plant. The facility must have an approved conditional use permit, be preapproved by the Virginia Department of Environmental Quality, and be constructed specifically for the storage of biosolids to be applied on any permitted property. Routine storage facilities must meet all the requirements contained in Virginia Administrative Code Sec. 9VAC25-32-550E, and adhere to the requirements of Sec. 15-281.A. These facilities can include, but not be limited to, above-ground and underground storage, silos, ponds, lagoons, storage pads, and other holding devices.

*Bowling alley.* See amusement and recreation services.

*Brewpub.* A restaurant that prepares, as an accessory use, handcrafted natural beer intended for consumption on the premises.

*Broadcasting studio.* See studio.

*Buffer.* Natural vegetated or landscaped areas used to improve aesthetics and to physically and visually separate land uses to mitigate adverse impacts from adjacent uses.

*Building.* Any fully-enclosed structure having a roof supported by columns or walls, which is intended for the housing or enclosure of persons, animals or chattel.

*Building height.* The height of a building is measured from the average elevation of the ground surface along a building's front. For a flat roof, the measurement goes to the roof's highest point; for a mansard roof, the measurement is taken to the deck line; and for a gable, hip, or gambrel roof, the measurement goes to the mean height between the eaves and ridge of a gable, hip, or gambrel roof.

*Building, main.* The principal structure, or one of the principal buildings, on a lot, or the building or one of the principal buildings housing the principal use on a lot.

*Cabinetmaking shop.* An establishment primarily used for the production or sales of cabinetry.

*Campground.* Property on which two or more campsites are located, established, or maintained for occupancy by camping units for temporary living quarters, meaning occupancy for less than 30 consecutive days.

*Capacity.* The ability of the road to provide service to the volume of vehicles seeking to use it. Capacity is most often considered the maximum amount of traffic that can be accommodated by a road during the peak hours of demand. Capacity can also be used in reference to a single lane of a road.

*Carwash.* Any structure or property used for washing motor vehicles. Accessory uses can include polishing, detailing and vacuuming as accessory uses.

*Cellar.* The lowest level of a structure that has more than ½ of its height below grade and which may not be occupied for dwelling purposes.

*Cemetery.* Property principally used for the interment of the dead, including mausoleums, and columbaria. Accessory uses include chapels, administrative offices, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage.

*Chicken-keeping, residential.* Female chickens, including all breeds recognized by the American Poultry Association, raised on non-agriculturally zoned property. See Sec. 15-282.A.3.

*Child care center.* Any establishment operated for the purpose of providing care, during part of the day, to five or more children under 13 years of age.

*Cidery.* A facility licensed by the state to manufacture cider, and to sell, deliver, or ship cider in closed containers for the purpose of resale. The use may include the licensed operation of distilling equipment to manufacture alcohol from fruit or fruit juices.

*Club or lodge.* A group of people organized for a common purpose to pursue common goals, interests, or activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term does not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

*Collector.* A road meeting the description of a major collector or minor collector in the major thoroughfare plan.

*College.* An educational institution authorized by the state to award associate, baccalaureate, or higher degrees.

*Commercial recreation.* A recreation facility open to the public and operated for profit.

*Commission.* The county's planning commission.

*Communication tower.* Any structure that is designed and constructed primarily for the purpose of supporting communication (transmission or receiving) equipment, including, but not limited to, self-supporting lattice towers, guy towers, or monopole towers. The term communication tower includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telecommunication towers, satellite fiber optic towers, man-made trees (with accessory buildings/structures) and similar structures. The term communication tower does not include amateur radio operators' equipment licensed by the Federal Communications Commission. No tower can exceed 199 feet in height (including antenna) when freestanding, or 20% above the building height when located on top of a building.

*Composting facility.* A facility that allows the aerobic and/or anaerobic process in which organic materials are ground or shredded and then decomposed in windrow piles, in mechanical digesters, drums, or similar enclosures, to humus.

*Conditional use permit (CUP).* A permit issued by the board of supervisors to allow, subject to appropriate conditions, a use that would not be appropriate generally or without restriction in the particular zoning district. Same as special exception.

*Condominium.* A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

*Conference center.* A facility used for conferences and seminars, which also provides guests accommodations for sleeping, food preparation, and eating. Accessory uses include recreation or entertainment facilities, and meeting rooms.

*Connection spacing.* The distance between access connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection, along the edge of the road.

*Conservation area.* Environmentally sensitive land with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest, endangered species' habitats, dunes, or significant biological productivity or uniqueness, designated for protection from any activity that would significantly alter its ecological integrity, balance, or character.

*Continuing care retirement community.* A facility that provides persons 62 years of age or older with board, lodging, and nursing services pursuant to agreements requiring an entrance fee and which are effective for the life of the individual or for a period in excess of one year, where a full continuum of housing options and assistance is provided on one property, ranging from independent living units, with or without kitchen facilities, to assisted living facilities, and nursing home facilities.

*Contractor.* A person or entity that regularly provides materials and labor to perform a service on buildings, structures or real estate owned by others. Examples include but are not limited to installing, constructing, or servicing by an electrician, plumber, mason, landscaper, carpenter, roofer, painter, or a heating, air conditioning, or metal worker.

*Contractor business.* An establishment that regularly provides materials and labor to perform a service on buildings, structures, or real estate owned by others. Examples include but are not limited to installing, constructing, or servicing by an electrician, plumber, mason, landscaper, carpenter, roofer, painter, or heating, air conditioning, or metal worker.

*Contractor storage, small.* Storage of contractor supplies and equipment within a building of not more than 2,500 square feet.

*Convenience center.* A collection point for the temporary storage of solid waste and recyclable materials generated from residential or non-commercial uses.

*Convenience store.* A retail business designed and intended to serve the frequent shopping needs of the surrounding residences and the traveling public. The store generally includes grocery, dairy, bakery, snack, beverage, tobacco, health and beauty, and confectionery items and may include prepared foods to be consumed on or off the premises, general merchandise, and gasoline. Accessory uses include automated teller machines (ATMs), movie rentals, and lottery sales.

*Convention hall.* A building or portion of a building designed to accommodate an assembly of a large number of people. See also conference center.

*Corridor overlay.* An area with special requirements in addition to the zoning district's land development requirements.

*Country club.* A recreational facility, usually restricted to members and their guests, which generally includes a clubhouse, dining and eating establishments, and recreational facilities such as golf courses, tennis courts and swimming pools.

*Cross access.* A service road providing vehicular access between two or more contiguous premises so that the vehicle need not use a street.

*Cul-de-sac.* A road with a single common ingress and egress, and a turnaround at the end.

*Dairy.* A commercial establishment for the manufacture and sale of milk or milk products.

*Dam break inundation zone.* The area downstream of a dam that would be inundated, flooded, or otherwise directly affected by the dam's failure.

*Dance hall.* See amusement and recreation services.

*Dance school.* Any facility used to provide, for commercial gain, instruction in the art of dance to two or more persons.

*Data center.* A facility used primarily for storage, management, processing, and transmission of facts and information in digital form, which houses computer and network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated infrastructure to support its operations.

*Design speed.* The maximum safe speed that can be maintained over a specified road section when conditions are so favorable that the design features of the road govern.

*Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, streets, paving, utilities, filling, grading, excavation, mining, dredging, or drilling.

*Distillery.* Structure where liquor is distilled or manufactured.

*Distribution center.* An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including shipment by boat, rail, air, or motor vehicle.

*Drive-thru.* A building, structure, or use with facilities enabling customer transactions from vehicles. Excludes a drive-in theater.

*Driveway.* An access that is a private road, and provides access to no more than two lots.

*Drugstore.* An establishment where the principal business is filling medical prescriptions and the sale of drugs, medical devices, medical supplies, and nonprescription medicines, but where nonmedical products may also be sold.

*Dwelling.* Any structure designed for permanent residential use, but not including hotels, boardinghouses, lodging houses, tourist cabins, apartments, and recreation vehicles.

*Dwelling, manufactured home.* A factory-built, single family structure that is regulated by the Federal Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401).

*Dwelling, four-family.* A structure with four dwelling units arranged or designed to be occupied by four families.

*Dwelling, multiple family.* A structure arranged or designed to be occupied by more than three families.

*Dwelling, single-family.* A structure with one dwelling unit arranged or designed to be occupied by one family; it may also an accessory family housing unit through a conditional use permit.

*Dwelling, three-family.* A structure with three dwelling units arranged or designed to be occupied by three families.

*Dwelling, two-family.* A structure with two dwelling units arranged or designed to be occupied by two families, but not including a single-family dwelling with an accessory family housing unit.

*Dwelling unit.* One or more rooms in a dwelling designed for living or sleeping purposes and having at least one kitchen or other room with a stove and/or an electric or gas hookup for a stove.

*Easement.* A right held by one property owner to make use of the land of another for a limited purpose.

*Electronic video game rooms.* See amusement and recreation services.

*Emergency center.* A facility that offers the same level of service offered at a hospital emergency room. Must be manned 24 hours a day, 365 days a year, including weekends, holidays, and during inclement weather. An emergency center can accept ambulance transports and have medical flight capabilities with helicopter landing and take-off areas.

*Energy storage facility.* Energy storage equipment or technology that is capable of absorbing energy, storing such energy for a period of time, and redelivering energy after it has been stored. (Battery Storage)

*Equestrian facility.* A facility designed and intended for the display of equestrian skills and the hosting of equestrian events including, but not limited to, show jumping, dressage, and events of other equestrian disciplines. The facility may be open to the public, may be lighted, and may be developed in conjunction with a stable.

*Equestrian event.* A judged exhibition, training event, or competition for horses and ponies.

*Equestrian school.* An equestrian facility where students are trained in the art of riding horses or ponies.

*Exotic animals.* Any animal that is currently native to a foreign country or of foreign origin or character and not domesticated in the United States. Includes, but is not limited to, animals such as leopard, panther, tiger, lion, elephant, camel, antelope, anteater, kangaroo, water buffalo, species of foreign domestic cattle (such as ankole, gayal, and yak), chimpanzee or other large primate, alligator, crocodile, caiman, and gavial, any venomous or poisonous reptile, any snake more than six feet in length, or any hybrid of an exotic animal. Excludes non-domestic source hybrid cats that are domesticated and registered with a nationally or internationally recognized breeding association or registry which certifies the pedigree of the cat as without any wild parentage for a minimum of two generations.

*Family day home.* Any dwelling used to provide care during part of the day for up to four children under 13 years of age.

*Family.* An individual or persons who are related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit with single culinary facilities, or a group of not more than four persons living together by joint agreement on a cost-sharing basis, as a single housekeeping unit with single culinary facilities. Domestic employees, employed and residing on the premises, are considered part of the family.

*Family health care structure, temporary.* A transportable structure containing a dwelling unit used to facilitate a caregiver's care for a mentally or physically impaired person, that:

- A. is primarily assembled at a location other than where installed;
- B. is limited to one occupant who is mentally or physically impaired; in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and that person's spouse who requires assistance with one or more activities of daily living (bathing, dressing, toileting, transferring, bowel control, bladder control and eating/feeding), as certified in writing by a physician licensed in the state;
- C. has no more than 300 gross square feet; and
- D. complies with applicable provisions of the industrialized building safety law and the Virginia Uniform Statewide Building Code. Placing the temporary family health care structure on a permanent foundation is not allowed.

*Farm animal, large.* Any large domestic species typically kept or raised on agricultural property, including, but not limited to, horse, cow, mule, hog, donkey, and pony.

*Farm animal, small.* Any small domestic species not customarily kept or raised on residential property, including, but not limited to, goat, sheep, pig, rabbit, and fowl.

*Farm brewery.* A commercial manufacturer of beer which produces no more than 15,000 barrels of beer per calendar year, is located on agriculturally zoned land which is owned or leased by the brewery or the brewery's owner, and uses, in the beer manufacturing, agricultural products, including barley, other grains, hops, or fruit grown on the property.

*Farm equipment sales/service.* See retail sales, outdoor.

*Farm feed supply store.* See retail sales or uses.

*Farm operation.* At least five acres zoned agricultural (A-1 or A-2) and actively used for the production of natural fibers or food for human or animal consumption, exclusive of forestry. The minimum acreage (five without a dwelling, or six with a dwelling) may be a single lot or contiguous lots owned by the same individual or members of the same family.

*Farm building.* Any structure located on the same property as, and associated with or supporting a farm operation..

*Farm stand (fruit and vegetable stand).* Retail sales of agricultural products raised or produced from a farm operation on the same property. If the property owner has another farm operation, those products may also be sold.

*Farm winery.* An establishment licensed as a farm winery by the Virginia Alcohol and Beverage Control Board and (i) located on a farm with a producing vineyard, orchard, or similar growing area, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21% alcohol by volume; or (ii) located on a farm with a producing vineyard, orchard, or similar growing area and agreements for purchasing grapes or other fruits from agricultural growers within the state, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21% alcohol by volume. As used in this definition, owner and lessee include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event the cooperative is licensed as a farm winery, then farm includes all of the property owned or leased by the individual members of the cooperative as long as the property is located in the state.

*Farmers market.* A temporary or permanent structure used for the sale of agricultural products and value-added products.

*Flood.* A general and temporary inundation of normally dry land area.

*Flood, 100-year.* A flood that, on average, is likely to occur once every 100 years, or which has a 1% chance of occurring each year, though it may occur in any year.

*Floodplain.* A relatively flat or low land area adjoining a river, stream, or watercourse, and which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface water.

*Forestry.* The operation of timber tracts, tree farms, or forest nurseries; the gathering of forest products; or the performing of forest services.

*Frontage road.* A public or private road auxiliary to and normally alongside and parallel to the main road, constructed to maintain local road continuity and to control direct access to the main road while providing access to private properties.

*Functional classification.* A classification system that defines a public road according to its purposes and hierarchy in the state highway system.

*Funeral home.* An establishment used for the preparation of the deceased for burial, the display of the deceased, and associated rituals.

*Furniture shop/store.* See retail uses.

*Garage, public.* A commercial establishment designed or used for servicing, repairing, equipping, renting, selling or storing motor vehicles owned by others.

*Gas station.* Any building or property used for the retail dispensing or sale of vehicle fuels and servicing. Accessory uses may include automobile repair in an enclosed structure; the sale and installation of lubricants, tires, batteries and similar accessories; and the sale of convenience goods.

*Gift shop.* See retail sales or uses.

*Golf course.* Building and property publicly or privately owned, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges.

*Golf course, miniature.* See amusement and recreation services.

*Golf driving range.* Property designed for practicing golf where patrons hit golf balls from a designated tee area onto vacant land.

*Governing body.* Goochland County's board of supervisors.

*Government tower facility.* Communication tower required to meet either the Federal Communication Commission 1995 narrow banding rules or state standards for public safety.

*Greenhouse/nursery-production.* A wholesale establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown outside, or in open or enclosed structures.

*Greenhouse/nursery-retail.* A commercial establishment for the sale to the public of flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products grown outside, or in open or enclosed structures.

*Group home.* A dwelling operated by a nonprofit or for-profit group to provide shelter and care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

*Gunsmith shop.* See retail sales or uses.

*Health clinic, public.* A facility where health care professionals offer medical diagnoses and treatments, but not inpatient care, to people.

*Highway.* The entire width between the boundary lines of every road publicly maintained or open for public use for vehicular travel. It includes bridges, culverts, sluices, drains, ditches, waterways, embankments, walls, trees, shrubs, and fences.

*Home-based business.* The accessory use of a dwelling for by a resident for the operation of a business which has employees other than members of the family residing on the property, or has group instruction, or has hours open to the public.

*Home occupation.* The accessory use of a dwelling for by a resident for the operation of a business in which no one is employed other than members of the family residing on the property, there is no group instruction, and it does not have hours open to the public.

*Horse boarding/breeding.* See stable, boarding/breeding.

*Horticulture.* Any operation devoted to cultivating plants, especially flowers, fruits, vegetables or ornamental plants.

*Hospital, general.* A facility offering inpatient care and either general medical, surgical or obstetrics care, or offering specialized care oriented to, but not limited to, cardiac, eye, ear, nose, throat, pediatric, orthopedic, skin, cancer, or obstetrics.

*Hospital, psychiatric.* Any establishment for the maintenance, care or treatment of two or more unrelated mentally ill or mentally deficient persons, or to persons addicted to drugs, alcohol, or other stimulants.

*Hotel.* A facility which offers public accommodations for transient lodging of 30 days or less, and has permitted occupancy of 11 or more. Same as motel.

*Impervious coverage.* The area of a lot covered by any surface which does not allow fluid to pass through, such as a roof, gravel, or paving.

*Industrial park.* Property that is planned, developed, and operated as a facility for a number of businesses and industrial uses, with coordination for circulation, utility needs, and compatibility.

*Intensive swine facility.* Property where more than 750 hogs are confined, fed, maintained, kept or bred, with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, and manure storage sites.

*Interchange.* A grade-separated system of access to and from highways that includes directional ramps for access to and from crossroads.

*Interstate system.* Those highways designated by the commonwealth transportation board in accordance with Virginia Code § 33.2-100.

*Joint access.* An access for vehicular traffic which connects two or more contiguous properties to the state highway system.

*Junkyard.* An area for storing or keeping more than 200 square feet of junk, including scrap metal or other scrap materials, or inoperative vehicles, machinery, or parts thereof.

*Kennel, commercial.* Any establishment open to the general public with regular business hours, in which five or more canines, felines, or hybrids of either, are housed, boarded, bred, purchased, sold, rented, or otherwise kept or cared for in return for compensation. Under this definition, bred or breeding means the controlled mating and reproduction of animals where 50 or more offspring are produced per calendar year for sale.

*Kennel, private.* Any establishment in which five or more canines, felines, or hybrids of either, are kept for the purpose of breeding, hunting, working, training, selling, or showing. Under this definition, breeding means the controlled mating and reproduction of animals where less than 50 offspring are produced per calendar year for sale.

*Kindergarten, private.* A school that prepares children for first grade.

*Land sales office.* A structure, or portion of a structure, used for displaying and selling lots from property that has been subdivided. The use must meet the requirements of Sec.15-287.

*Landing area, private.* An area for landing aircraft for private use which is not open to the general public.

*Lane.* The portion of a road for the movement of a single line of vehicles. It does not include the gutter or shoulder.

*Laundromat.* An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use by the general public.

*Library.* A building offering books, video materials, and computers for use, reading, or research by the public. Accessory uses may include programs, instruction, or events; and meeting rooms.

*Limited agriculture.* The tilling of soil, the raising of crops, horticulture, forestry, or gardening for domestic or commercial uses, including the keeping of one large farm animal for each 2.5 acres, one small farm animal for each acre, and up to 25 confined fowl or rabbits per lot, but excluding retail sales of products. The acreage calculation is based on the acreage enclosed within the fenced area where the animals are kept.

*Livestock.* Domestic animals normally raised on a farm, such as horses, cows, swine, goats, and sheep.

*Livestock market.* A commercial establishment where livestock is available for purchase or sale.

*Local.* A road meeting the description of local road in the major thoroughfare plan.

*Lot.* Property which is occupied or to be occupied by a main structure or group of main structures and accessory structures, has frontage upon a street and is either shown on a plat of record or considered to be a property unit.

*Lot, corner.* A lot abutting two or more streets at their intersection. Of the two sides of a corner lot, the front is deemed to be the shortest of the two sides that abut the streets.

*Lot, depth.* The horizontal distance between the front and rear lot lines.

*Lot, double frontage.* A lot which abuts more than one street or right-of-way but is not a corner lot.

*Lot, flag.* Lot does not abut a public street other than by a pipestem that provides access to the lot. Pipestems must be at least 50 feet wide.

*Lot frontage.* The boundary of a lot which coincides with the right-of-way line or easement of an existing or dedicated public road, or, where no public road exists, coincides with the right-of-way line or easement of a public or private way at least 50 feet wide. A public or private right-of-way or easement may not be included in determining lot frontage, except for utility and drainage easements. Proposed rights-of-way, when established, must be used in determining lot frontage. Lot frontage is determined by measuring on a horizontal plane at a right angle at one foremost point the shortest distance between the two side lot lines. Where the right-of-way line or easement is curved, or where the lot abuts the turning circle of a cul-de-sac, lot frontage is determined by measuring on a horizontal plane the chord of the arc.

*Lot, interior.* A lot other than a corner lot.

*Lot width.* The distance between the two side lot lines at the minimum setback line. The average lot width is determined by measuring the shortest distance between the two side lot lines at the minimum setback line. See Rules of Measurement, Article 32.

*Lot of record.* A lot which has been recorded in the county clerk's office.

*Lot lines.* Boundaries of a lot. Specifically:

- A. Lot line, front: the lot boundary which coincides with the right-of-way line or easement of an existing or dedicated public road. Where no public road exists, it coincides with the right-of-way line or easement of a public or private way.

- B. Lot line, rear: the lot boundary generally opposite or parallel to the front lot line, except in a double frontage lot. In a double frontage lot, both lines abutting the right-of-way or easement are deemed front lot lines.
- C. Lot line, side: any lot boundary other than a front lot line or a rear lot line.

*Machinery sales/service.* See retail sales, outdoor.

*Manufacture/manufacturing.* Processing or converting raw, unfinished materials or products into substances of different character or for different purposes.

*Manufacture, assembly, or fabrication, light.* Manufacturing uses that involve the mechanical transformation of predominantly previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. These uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemical, and do not emit noxious noise, smoke vapors, fumes, dust glare, odor, or vibration. Typical uses include, but are not limited to: computer design and development, apparel production; sign making, assembly of pre-fabricated parts, manufacture of electric, electronic or optical instruments or devices; manufacture and assembly of limbs, dentures, hearing aids, and surgical instruments; manufacture processing and packing of cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. Excludes manufacturing uses specifically listed in the principal use tables.

*Manufacture, assembly, or fabrication, heavy.* Manufacturing or processing materials or products predominately from extracted or raw materials; including the bulk storage or manufacturing use of highly flammable, toxic, or explosive materials; or storage or manufacturing processes that potentially involve hazardous conditions. Uses that generate noxious noise, smoke, vapors, fumes, dust, glare, odor, vibration, or other offensive conditions beyond the property of the use are included. Typical uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items, and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants. Excludes manufacturing uses specifically listed in the principal use tables.

*Manufactured home.* A prefabricated structure intended for residential use and transported in one or more sections eight feet or more wide and 32 feet or more long, built on a permanent chassis, and which is designed to be used as a dwelling when connected to the required utilities. If manufactured after July 1, 1976, it must comply with the Manufactured Home Construction and Safety Standards.

*Manufactured home park.* Any property designed to accommodate two or more manufactured homes.

*Material recovery facility.* A solid waste management facility where recyclable materials are allowed to be recovered from solid waste, and collected, sorted, processed or stored until large enough volumes are collected to be shipped to a buyer or processor. The material that is not recovered must be transferred to a solid waste management facility.

*Meat processing facility, limited.* A facility for the commercial processing of meat for human consumption, including, but not limited to, the slaughtering, butchering, cutting, dressing and packaging of meat products, but not including rendering. The main building, where the processing must occur, cannot exceed 10,000 square feet in size. Associated office and other accessory buildings do not count towards this square footage limit. A limited meat processing facility does not include butcher shops, rendering plants, or restaurants.

*Median.* That portion of a road separating opposing traffic lanes.

*Medical clinic.* A facility, building, or complex, including ambulatory surgical centers, urgent care centers, emergency medical departments, and diagnostic and treatment facilities, in which medical or dental health care providers offer diagnosis and treatment, but not inpatient care, to people.

*Microbrewery.* A facility for the production and packaging of malt beverages with alcohol content as defined by federal or Virginia law, and distribution, retail, wholesale, or both, for consumption on or off premises, with capacity that does not exceed 15,000 barrels per calendar year.

*Mini-warehouse/self-storage facility.* A building or group of buildings containing separate, secure storage spaces, available for rent.

*Mining operation.* The extraction of minerals from the earth: Includes solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases.

*Modular or prefabricated units.* An industrialized building assembly consisting of two or more standardized subassemblies including the necessary electrical, plumbing, heating, ventilating and other service systems which are manufactured off-site, transported to the point of use for installation or erection, and placed on a permanent foundation as a finished building, and which are not designed to thereafter be removed, installed, erected or assembled on another site.

*Motel.* A facility which offers public accommodations for transient lodging of 30 days or less, and has permitted occupancy of 11 or more. Same as hotel.

*Motor Vehicle.* Every vehicle which is self-propelled or designed for self-propulsion, with a gross vehicle weight over 10,000 pounds, and every vehicle drawn by or designed to be drawn by a motor vehicle and includes every device in, upon, or by which any person or property is or can be transported or drawn upon a highway, except devices moved by human or animal power and devices used exclusively upon stationary rails or tracks. Excludes bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, motorized skateboards or scooters, and mopeds.

*Mud bogging.* Also known as mud racing and mud drags. A form of off-road motor sport, whether conducted for competition or recreation, which involves driving vehicles through a mud pit.

*Museum.* A building serving as a repository for a collection of natural, scientific, historic or literary curiosities or works of art, and arranged, intended, and designed to be used by the public for viewing, with or without an admission charge. Accessory uses may include the limited retail sale of goods, services, or products.

*Nightclub.* An establishment that provides liquor and meals, and offers music, dancing or other entertainment.

*Nonconforming lot.* An otherwise legally platted lot that does not conform to the minimum area or width requirements for the district in which it is located.

*Nonconforming use.* The otherwise legal use of a building, structure, or property that does not conform to the use regulations for the district in which it is located.

*Nonconforming structure.* A legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations for the district in which is located.

*Nursing home.* A facility or portion of a facility licensed by the state as a nursing facility in which the primary function is the continual provision of nursing and health care services for the treatment and inpatient care of two or more unrelated individuals. Includes convalescent homes, skilled nursing facilities, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

*Nursery school.* A school for children between three and five years old which operates up to four hours per day.

*Off-street parking.* Space provided for vehicle parking outside the dedicated street right-of-way.

*Office, medical.* Any room, suite, or building principally used for medical personnel providing treatment of, examination of, or consultation with people.

*Office park.* Property that is planned, developed, and operated as a facility for a number of office uses, with coordination for circulation, utility needs, and compatibility.

*Office, professional.* Any room, suite, or building with the primary use being the conduct of business by professionals including, but not limited to, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, planners, landscape architects, computer programmers, and other similar fields. Excludes medical offices, veterinarian services, and animal hospitals.

*Outparcel.* A lot with road frontage which abuts and is external to a larger, main lot, typically with commercial uses, which is under separate ownership.

*Park-and-ride facility.* A parking lot designed for drivers to leave their vehicles in order to engage in group ridership or to use mass transit.

*Park, public.* Property owned by the government and available to the general public to use for recreational purposes.

*Personal services.* Services involving the care of a person or personal property.

*Pick-your-own farm operation.* A farm where customers may go to pick, cut, or choose their own product from the fields, such as berries, tree-fruit, pumpkins, Christmas trees, or flowers.

*Pharmacy.* An establishment where the principal business is the filling of medical prescriptions and the sale of drugs, medical devices, medical supplies, and nonprescription medicines, but where nonmedical products may also be sold as an accessory use.

*Photovoltaic.* Materials and devices that absorb sunlight and convert it directly into electricity.

*Place of public assembly.* Uses and structures that include (a) any area used for public entertainment; (b) any area used for public assembly for social, religious, or recreational purposes; and (c) any school or area used for community or public purposes.

*Place of worship.* A structure, together with its accessory buildings and uses, where the primary use is for people to regularly assemble to conduct religious worship, ceremonies, or rituals; and which is owned or maintained by a religious body. Includes chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and dining facilities. Other uses that exist as principal uses, such as adult day care centers, child care centers, schools, cemeteries, or recreational facilities, are treated as principal uses and are only permitted if separately allowed by zoning.

*Plainly audible.* Any sound that can be detected by a person using unaided hearing faculties. The detection of music's rhythmic bass component constitutes a plainly audible sound.

*Playground.* An active recreational area with a variety of facilities, including equipment for younger children.

*Poultry.* Domestic fowl normally raised on a farm, such as chickens, ducks, geese, and turkeys.

*Primary system.* The state highway system in accordance with Virginia Code § 33.2-100.

*Quarry.* An excavation or pit, usually open to the air, from which, stone, ore, soil, gravel, sand, minerals, or similar materials is obtained from the ground's surface or subsurface. Includes sand and gravel pits.

*Recreational facility.* Facilities designed for people to engage in physical activities. Includes baseball fields, basketball courts, community centers, field hockey fields, football fields, little league fields, paddle tennis courts, playgrounds/tot lots, running tracks, soccer fields, softball fields, swimming pools, tennis courts, trails, volleyball courts, and similar facilities.

*Recreational vehicle.* A vehicle, regardless of size, designed with temporary dwelling facilities, in which the plumbing, heating, and electrical systems may be operated without connection to outside utilities, and which is either self-propelled or towed by a light duty vehicle. Recreational vehicles are not to be inhabited as permanent dwellings, but may be used for temporary dwellings within designated recreational vehicle parks.

*Respite care, overnight.* An establishment which provides temporary institutional care of a sick, elderly, or disabled person or persons, providing relief for their usual caregiver. Overnight care is permitted.

*Restaurant.* An establishment where food and drink are prepared, served, and consumed, principally within the main building.

*Restaurant, drive-in/takeout.* An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the restaurant, or where ordering and food pickup may take place from a vehicle.

*Retail sales, outdoor.* The display and sale of products and services primarily outside of a structure, for products such as, but not limited to: vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; food and beverages; boats and aircraft; farm equipment; recreational vehicles; burial monuments; building and landscape materials; and lumberyards.

*Retail sales or uses.* Establishments engaged in the selling or rental of goods or merchandise, typically to the public, for personal use or household consumption, and providing services incidental to the sale of goods.

*Right-of-way.* Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.

*Right-of-way, ultimate.* Right-of-way that is the greater of the right-of-way shown on the major thoroughfare plan section of the comprehensive plan, approved construction plans, or VDOT's adopted detailed highway plan. Generally, roads will be widened equally on both sides of the established centerline to the ultimate right-of-way width. For interior residential subdivision roads, the ultimate right-of-way is as shown on the recorded plat.

*Road.* A public or private thoroughfare used for vehicular travel between properties.

*Road, private.* A road that has not been accepted for maintenance by the county or another government entity.

*Road, public.* A road that has been accepted for maintenance by the county or other government entity.

*Roadway.* That portion of a road improved, designed, or ordinarily used for vehicular travel exclusive of the sidewalk, parallel gutter, berm, or shoulder. In the event a road includes two or more separate roadways, roadway includes any auxiliary lane.

*Sales lot.* A parking lot used to display new or used automobiles, motor scooters, motorcycles, boats, travel trailers, recreational vehicles, manufactured homes, aircraft, or monuments for sale.

*Sawmill, commercial.* An establishment equipped to process timber from any point of origin and that may be used to process timber bought or sold on a price basis.

*Sawmill, minor.* A portable sawmill used to process timber cut from the property on which it is located, from contiguous property, or the occasional processing of timber transported from other property. Processing off-site timber must be subordinate to and minor in significance, quantity, and time spent processing compared to the processing of timber from the property and contiguous properties.

*Sawmill, mobile.* A portable sawmill used to process timber cut only from the property on which it is located or from contiguous property.

*School.* Any building or group of buildings used for education or instruction in any branch of knowledge.

*School, private.* Any building or group of buildings used to provide education which meets state requirements for elementary, secondary, or higher education, and that does not secure the major part of its funding from any government agency.

*Secondary road.* A public street not included in the primary state highway system in accordance with Virginia Code § 33.2-100.

*Self-storage facility.* See mini-warehouse facility.

*Senior congregate living facility.* A residential facility for persons 62 years of age or older that includes independent living units, with or without kitchen facilities, and that provides residents at least one shared meal a day. Other shared meals, services, or amenities may also be offered.

*Service road.* A public or private road, auxiliary to and normally located parallel to a limited access road that maintains local road continuity and provides access to parcels adjacent to the controlled access road.

*Setback.* The minimum distance any building or structure must be located from a lot line. Front, rear, and side yard setbacks are measured from the existing right-of-way, access easement, or property line, and then in a straight line to the closest point of the building or structure.

*Shopping center.* A group of retail sales or uses planned, constructed, and managed as one destination, with customer and employee parking provided on the property, and goods delivery areas separated from customer access.

*Sign.* Any object, device, display, or structure, or part thereof, that is visible from a public place and used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, or images. Excludes window displays that are inside a building, public art, and holiday displays.

*Short-term rental, hosted.* An owner-occupied dwelling where a portion is used for sleeping or lodging for transient renters, which is rental for less than 30 consecutive days, in exchange for a charge. Owner or designee must stay overnight at the dwelling during all rental periods. Occupancy is limited by the number of occupants allowed by the septic system permit, but cannot exceed 10.

*Short-term rental, unhosted.* A dwelling where a portion of or the entire dwelling is used for sleeping or lodging for transient renters, which is rental for less than 30 consecutive days, in exchange for a charge. Occupancy is limited by the number of occupants allowed by the septic system permit, but cannot exceed 10.

*Skateboard park.* A structure, or open area containing or developed with slopes, hills, passageways and other features for skateboard users.

*Skating rink.* See amusement and recreation services.

*Solar energy facility, accessory.* System that utilizes sunlight to produce heat, electricity or both that is designed and intended to serve only the thermal or electricity needs of the property on which located. Excess power generated by the facility and not presently needed for on-site consumption may be used by the utility (i.e., net metering).

*Solar energy facility, principal.* A facility that utilizes photovoltaic (PV) materials and technology for the wholesale generation and distribution of electricity from sunlight. On-site components may include solar panels and other accessory components to include, but not be limited to, transformers, transmission lines, and other improvements necessary to support the power generation, collection and transmission. Energy is for uses in location(s) other than where it is generated. "Energy storage facility" is not included in this definition.

*Solar energy facility, supplementary.* A facility that utilizes photovoltaic (PV) materials and systems, along with related on-site facilities, to generate electricity from sunlight, utilize sunlight as energy source for heating or cooling of water or buildings, or produce power by converting, collecting or transferring solar generated power. The cumulative area utilized for installation and operation of a supplementary solar energy facility is limited to ten percent of the property on which located, provided that where rooftops of buildings containing a permitted use are utilized, the facility area may be increased by the square footage of those buildings. The facility may be utilized for on-site consumption and for the wholesale generation and distribution of electricity from sunlight to a public service corporation. Where supplementary solar energy facilities are adjoining or interconnected, and total area of combined facilities exceed ten acres, they shall be considered a principal solar energy facility and subject to applicable regulation.

*Special exception.* A permit issued by the board of supervisors to allow, subject to appropriate conditions, a use that would not be appropriate generally or without restriction in the particular zoning district. Same as conditional use permit.

*Specified anatomical areas.* Human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola less than completely and opaquely covered; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities.* Human genitals in a state of sexual stimulation or arousal; acts or simulation of human masturbation, sexual intercourse or sodomy; and/or fondling or other erotic touching of human genital, pubic region, buttock or female breast.

*Stable, riding.* Structure or property where horses or ponies are kept and maintained for a charge, or in connection with which horses or ponies are rented to the public for the convenience of their owners. Accessory uses include an equestrian school, exercise rings, and show rings.

*Stable, boarding/breeding.* A structure or property used, designed, or arranged for the boarding or breeding of horses or ponies. Accessory uses include exercise rings.

*State highway system.* All highways and roadways under the ownership, control, or jurisdiction of the Virginia Department of Transportation.

*Storage, outdoor.* The keeping, for 24 hours or more, outside a fully enclosed structure, items such as, but not limited to, equipment, above ground storage tanks, supplies, vehicles awaiting repair, inventory of goods, materials, or junk. Outdoor storage does not include outdoor display.

*Store.* See retail sales or uses.

*Story.* That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

*Street.* A public thoroughfare which affords principal means of access to abutting property.

*Street line.* The dividing line between a road right-of-way and the abutting property.

*Structure.* Anything constructed or erected which has a permanent location on the ground or is attached to something having permanent location on the ground. Includes, but is not limited to, dwellings, buildings, and signs.

*Structure, accessory.* A subordinate structure customarily incidental to and located upon the same lot as the main building or structure. No accessory structure may be used as a separate dwelling unless in compliance with the use standards or with a conditional use permit.

*Stub-out.* A portion of a street or cross access built toward and to provide future access to an abutting property that may be developed in the future.

*Studio.* The workshop of an artist, sculptor, photographer, or craftsman; or a place for radio, movie, or television production.

*Subdivision.* The division of land into two lots for the purpose of transfer of ownership, excluding the sale or exchange of lots between adjoining lot owners where such sale does not create additional lots.

*Swimming pool.* An outdoor enclosure for water which is designed, used, or maintained for swimming or bathing. Excludes any portable, above-ground enclosures less than 30 inches deep.

*Taper.* The widening of pavement to allow the redirection and transition of vehicles around or into an auxiliary lane.

*Taxi or limousine service.* Transporting passengers for a fare or charge. Excludes buses.

*Taxidermy.* Use involving preparing, stuffing, and mounting animals or animal skins.

*Tennis court.* An improved area designed for playing tennis or a similar sport.

*Theater.* A building used to show movies on a paid admission basis, or to provide drama, dance, musical or other live performances.

*Theater, drive-in.* An open lot devoted primarily to the showing of movies or theatrical productions on a paid-admission basis to patrons seated in or near their automobiles.

*Tiny house.* An independent dwelling unit that is 400 square feet or less.

*Tourist court, auto court, cabins or lodge.* One or more buildings designed to provide individual rooms for temporary lodging of 30 days or less to tourists or transients, with parking spaces conveniently located to each unit. Cooking facilities may be provided for each unit.

*Tourist home.* A dwelling where lodging of 30 days or less is provided for compensation for up to 14 transients.

*Travel plaza/truck stop.* Buildings or property oriented for the service of trucks, including the sale of truck fuel, minor truck repair and service, and support facilities for truck drivers. Truck stops are designed to accommodate trucks and truck drivers, but may be used by non-truck traffic. The facility allows for the temporary, daily parking of trucks in transit but not for loading or unloading cargo. Truck means a commercial vehicle driven by a person who is required to have a commercial driver's license or equivalent.

*Travel trailer or camper.* A vehicular, portable structure, built on a chassis, and designed to be used for temporary human habitation for travel, recreational, and vacation uses. Use of these vehicles as permanent dwelling units is prohibited.

*Trip.* A single or one-direction vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the road and entering a property is one trip. Later, when the vehicle leaves the property and reenters the road, it is a second trip.

*Truck.* A motor vehicle designed to transport cargo on its own structure independent of any other vehicle, and having a registered gross vehicle weight rating of 7,500 pounds or more. Excludes a pickup or panel truck.

*Truck hauling business.* Any commercial enterprise utilizing a truck or trucks for transporting goods or materials, and which employs persons who do not reside in the dwelling on the property.

*University.* See college.

*Upholstery shop/store.* See retail sales or uses.

*Utility, trunk line.* Main supply route for gas, oil, electric, or other public utilities. Typically, a utility trunk line does not allow abutting properties a direct connection.

*Variance.* A reasonable deviation permitted only when the strict application of this ordinance would unreasonably restrict the utilization of property and the need for the variances is not generally shared by other properties. The deviation may be from provisions regulating the size, shape, or area of the lot; or the size, height, area, bulk, or location of a building or structure. A variance may not be contrary to the purpose of this ordinance and cannot include a change in use.

*VDOT.* The Virginia Department of Transportation.

*Vehicle graveyard.* Property on which more than five inoperable motor vehicles are located.

*Vehicle repair.* General repair, rebuilding, or reconditioning of trailers, motor vehicles, or their component parts, including bodywork, welding, painting, and upholstery.

*Veterinary hospital.* A place where animals are given medical care and are boarded only incidentally to their medical care.

*Veterinary services.* See retail sales or uses.

*Warehouse.* A building used primarily for the storage of goods and materials, and which is not a distribution center.

*Water and sewage systems, public.* A water or sewage system which provides services to the public and is owned and operated by the county, or a governmental authority, or owned and operated by a private person or entity which properly licensed by the State Corporation Commission.

*Wastewater treatment plant.* A facility and related structures and improvements that is designed to treat large volumes of sewage or wastewater to produce an environmentally safe fluid waste stream

(treated effluent) and a solid waste residue (treated sludge) suitable for disposal or reuse, and is approved by the Virginia Department of Health, the Virginia Department of Environmental Quality or another applicable regulatory agency.

*Weave.* The movement of one traffic vehicle or traffic stream crossing into another traffic lane or traffic stream traveling in the same general direction.

*Weaving.* The crossing of two or more traffic streams traveling in the same general direction along a segment of road without the aid of traffic control devices.

*Wetland mitigation bank.* The preservation, enhancement, restoration, or creation of a wetland, stream, or habitat conservation area which offsets or compensates for expected adverse impacts to similar nearby ecosystems.

*Wildlife preserve.* Property set aside for the preservation of wildlife.

*Wind turbine, small.* Any device, such as a windmill, wind turbine, or wind charger that converts wind energy into electricity. Includes the rotors, generators, towers, and associated control or conversion electronics.

*Winery.* A facility licensed by the state to manufacture wine, and to sell, deliver, or ship wine in closed containers for resale outside the state or at wholesale. Includes the licensed operation of distilling equipment on the property to manufacture spirits from fruit or fruit juices.

*Wireless telecommunications tower and facility.* A lot containing a tower, attached sending and receiving antennas, and a prefabricated or modular structure or cabinets containing electronic equipment; or a Federal Communications Commission-licensed facility, designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices and equipment.

*Yard, front.* The front yard is the area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width and depth of the required front setback.

*Yard, rear.* The rear yard is the area adjacent to the rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width and the depth of the required rear setback.

*Yard, side.* The side yard is the area of a lot adjacent to its side lot line, measured by the length of the side lot line extending from the edge of front setback line to the edge of the rear setback line, and the width of the required side setback.

(Ord. No. 5542, § 5, 12-6-22; Ord. No. 5572, § 4, 1-3-23; Ord. No. 5703, § 18, 5-2-23; Ord. No. 5970, § 6, 7-2-24; Ord. No. 6255, § 2, 1-21-25)



**ARTICLE 32. RULES OF MEASUREMENTS****Sec. 15-501. General.**

A. Unless otherwise expressly stated, distances specified in this ordinance are to be measured as the length of an imaginary straight line joining those points.

B. Fractional amounts of minimum requirements are rounded up to the closest whole number.

C. The zoning administrator will determine the applicable dimensional standards and setbacks for irregularly shaped lots.

**Sec. 15-502. Lot types.**

A. *Interior lot.* An interior lot has frontage on street right-of-way but is not a corner lot.

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

C. *Cul-de-sac lot.* A lot abutting a road with a single common ingress and egress and with a turnaround at the end.

D. *Double frontage lot.* A double frontage lot has frontage on more than one street or right-of-way but is not a corner lot. Rear yard setbacks are 55 feet for double frontage lots.

E. *Flag lot.* A flag lot does not abut a public street other than by a pipestem that provides access to the lot. Pipestems must be at least 50 feet wide.

**Sec. 15-503. Yards.**

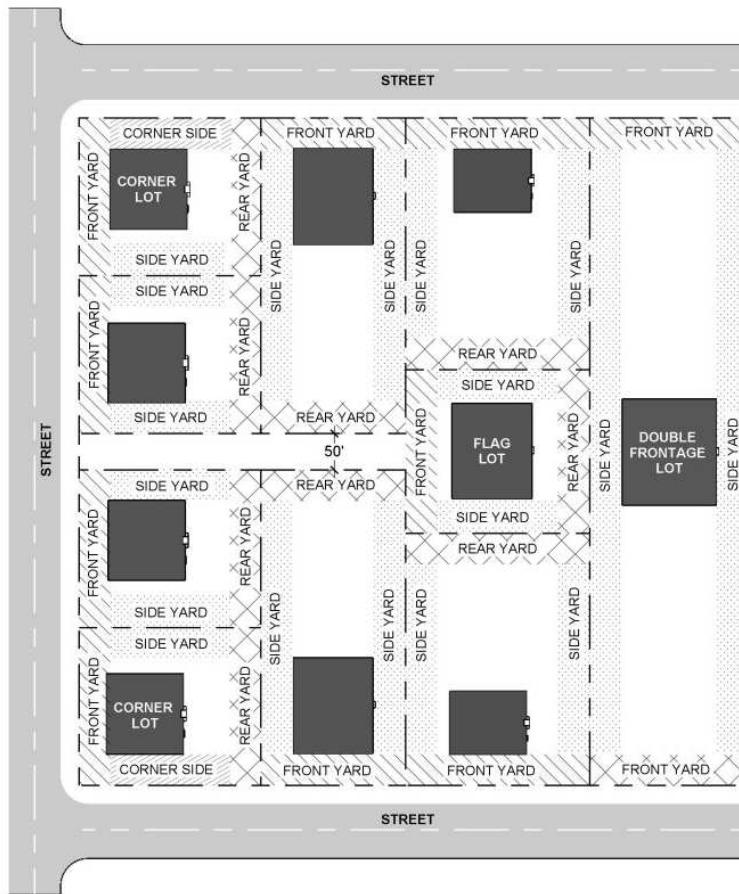
A. *Front yard:* The front yard is the area of a lot adjacent to its front lot line, measured by the length of the front lot line, extending from one side lot line to the other side lot line, and the width and depth of the required front setback.

B. *Rear yard:* The rear yard is the area adjacent to the rear lot line, measured by the length of the rear lot line, extending from one side lot line to the other side lot line, and the width and the depth of the required rear setback.

C. *Side yard.* The side yard is the area of a lot adjacent to its side lot line, measured by the length of the side lot line extending from the edge of front setback line to the edge of the rear setback line, and the width of the required side setback.

**Figure 11: Lot types and yards**

**LOT TYPES & YARDS**

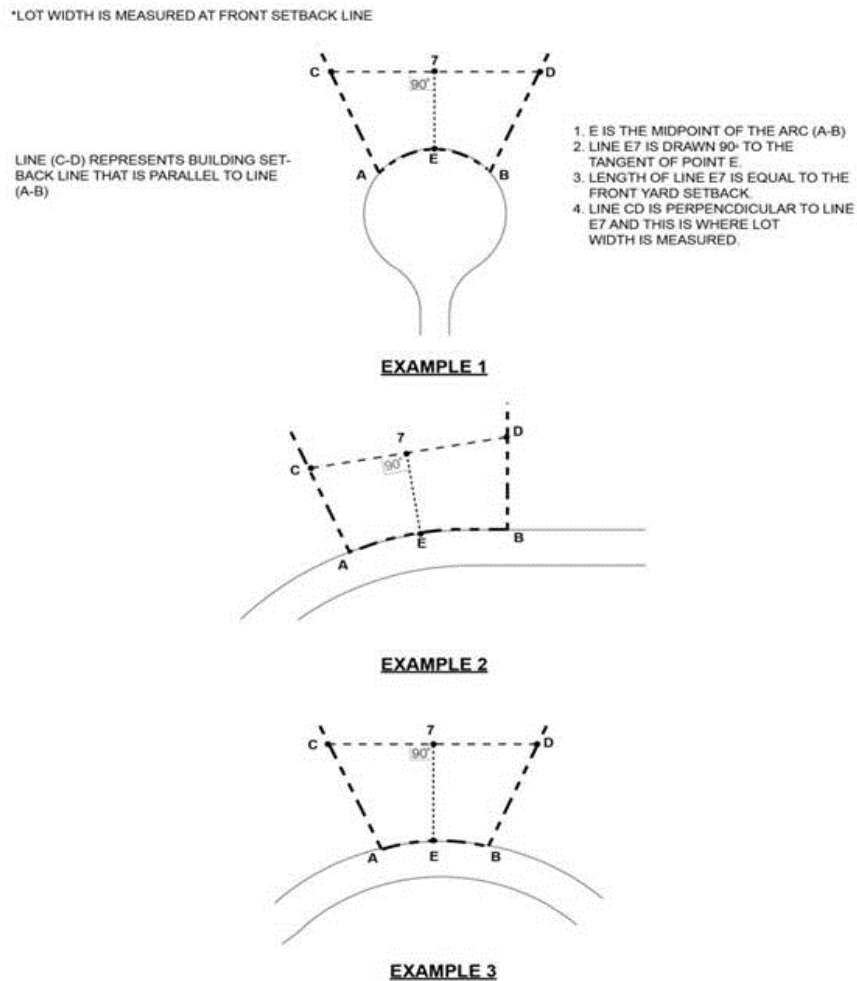


**Sec. 15-504. Lot width, minimum.**

The distance between side lot lines is measured in one of the following manners:

- A. The front building set back line is generally parallel with the right-of-way of the frontage line.
- B. If the minimum required lot width is satisfied at the required front setback, then the front building line will be shown parallel to the right-of-way and at the minimum front setback distance.
- C. Determining lot width on a curve is displayed in Figure 12.

**Figure 12. Determining lot width on a curve**



**Sec. 15-505. Setbacks.**

A. *General.* "Setback" is the minimum distance any building, structure, or parking lot must be separated from a property line, right-of-way, or access easement, as applicable. Setbacks are measured horizontally from the right-of-way, access easement, or property line, and then in a straight line to the closest point of the building or structure; however, along public roads, setbacks are measured from the ultimate right-of-way.

B. Setbacks for principal buildings and accessory structure.

(1) *Setbacks for principal buildings.*

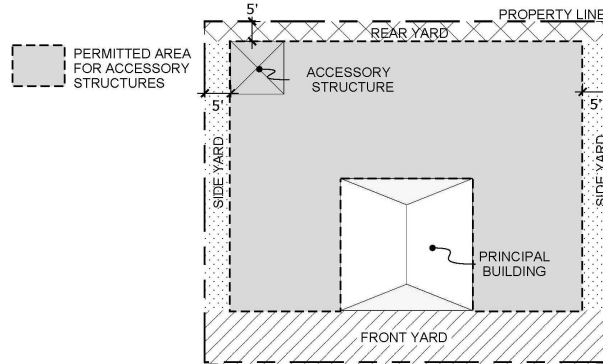
- a. *Double frontage lot.* On double frontage lots, the rear yard setback is 55 feet.
- b. *Existing structures.* Building permits are allowed for additions to legally nonconforming buildings located closer than minimum setbacks to a right-of-way as long as the proposed addition does not project closer to the road.
- c. *Road access easements.* Setbacks from a road access easement is a minimum of 35 feet or consistent with zoning district standards.
- d. *Temporary turnaround easement.* The required setback is the greater of 20 feet from the temporary turnaround easement, or the required yard setback measured from the ultimate right-of-way or property line, as applicable.

(2) *Setbacks for accessory structures.* Where the accessory structure is structurally or cosmetically attached to a principal building, it must conform to all regulations applicable to the principal building. To be detached, it must have a five-foot setback from the main building and cannot share any roof, wall, or floor in common with it.

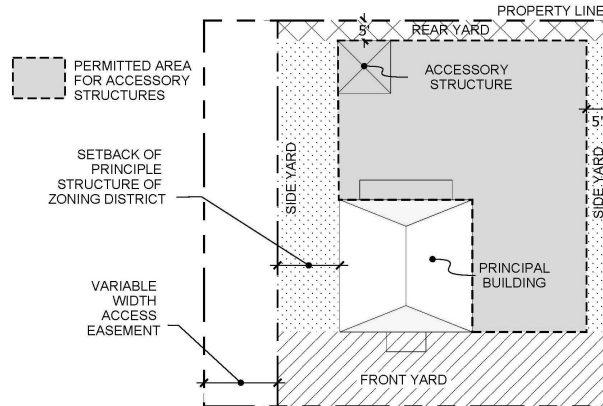
- a. *Accessory structure corner lot.* Accessory structures on corner lots must meet the required corner lot setback.
- b. *Accessory structure front yard.* Accessory structures may be located in any yard; however, if located in front yard, it must meet the front yard setback for the principal building.
- c. *Not a principal building.* A separate and detached accessory structure cannot serve as a dwelling except as permitted in other ordinance sections.
- d. No accessory structure may be located in an easement or right-of-way. Setback from a road access easement is 35 feet.

**Figure 13. Setbacks for principal buildings and accessory structures**

**SETBACKS FOR PRINCIPAL & ACCESSORY STRUCTURES**



**SETBACK WITHOUT EASEMENT**



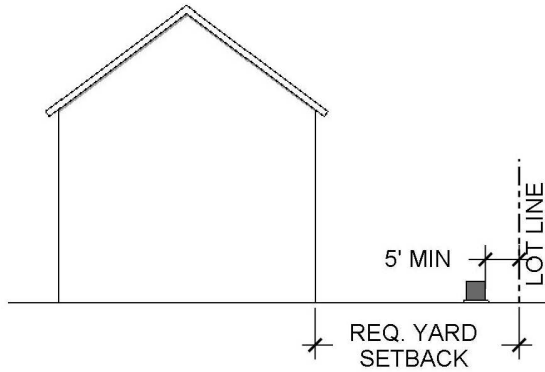
**SETBACK WITH ACCESS EASEMENT**

(Ord. No. 5970, § 4, 7-2-24)

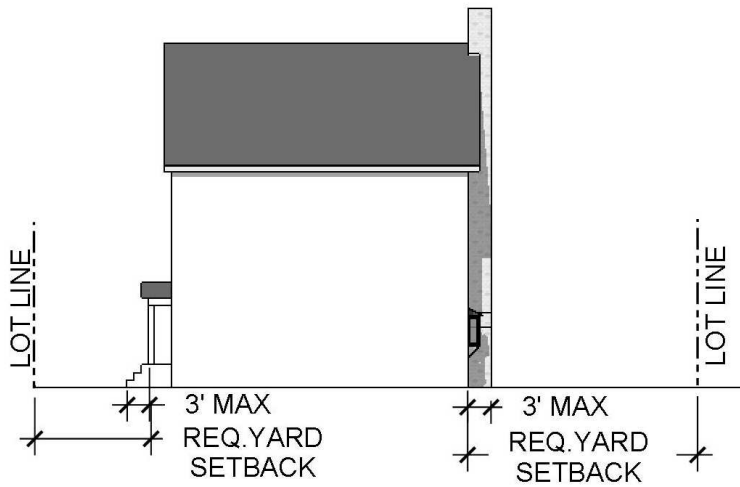
**Sec. 15-506. Building projections.**

Architectural features such as chimneys, eaves, awnings, bay windows, steps, or similar features may project up to three feet into a yard setback. All projections must be located outside of any easements.

**Figure 14. Building projections**



**RESIDENTIAL GENERATOR UNIT OR SIMILAR FEATURE ON PAD**



**ARCHITECTURAL FEATURES**

**Sec. 15-507. Height measurement.**

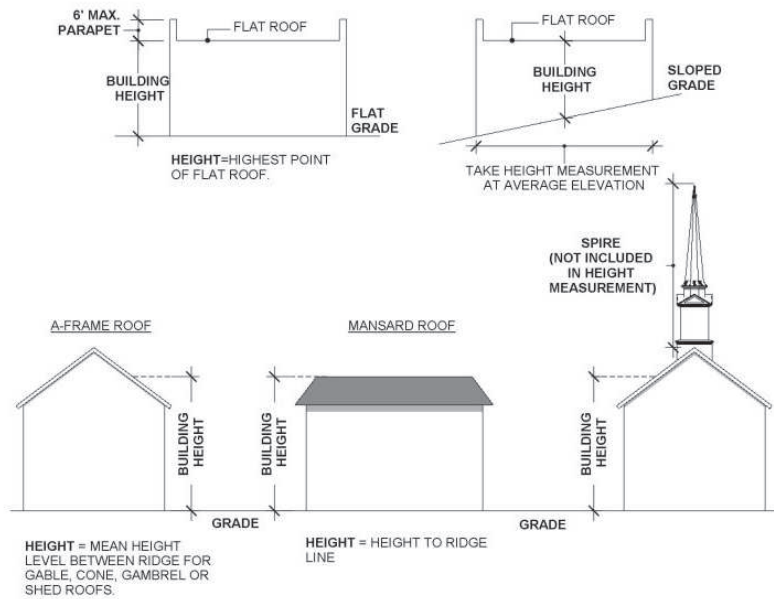
A. Building height is the vertical distance measured at the average elevation of the front of the building to the highest point of the roof surface of a flat roof, to the ridge line of a mansard roof, to the mean height level between the eaves and ridge of the gable, hip, cone, gambrel and shed roofs. See Figure 15 below.

B. Church spires, belfries, cupulas, monuments, water towers, chimneys, flues, flagpoles, and radio aeriels are exempt.

C. Parapet walls may rise up to six feet above the finished roof surface.

**Figure 15. Building height measurement**

**GENERAL BUILDING HEIGHT MEASUREMENT**



**Sec. 15-508. Floor area ratio.**

The floor area ratio is determined by dividing the gross floor area of a structure by the area of the lot. Gross floor area is the floor area within the inside perimeter of the exterior walls, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features.

**Figure 16. Floor area ratio**

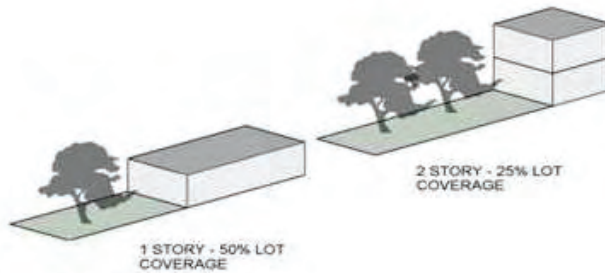
**RATIO OF FLOOR AREA TO LOT AREA**



**FLOOR AREA RATIO CALCULATION**  
FAR = .40

1.5 AC LOT 43,560 (ACRE) x 1.5 = 65,340  
65,340 x .4 (FAR) = 26,136 SF OF GROSS  
FLOOR AREA ALLOWED ON LOT

**FLOOR AREA EXAMPLE**

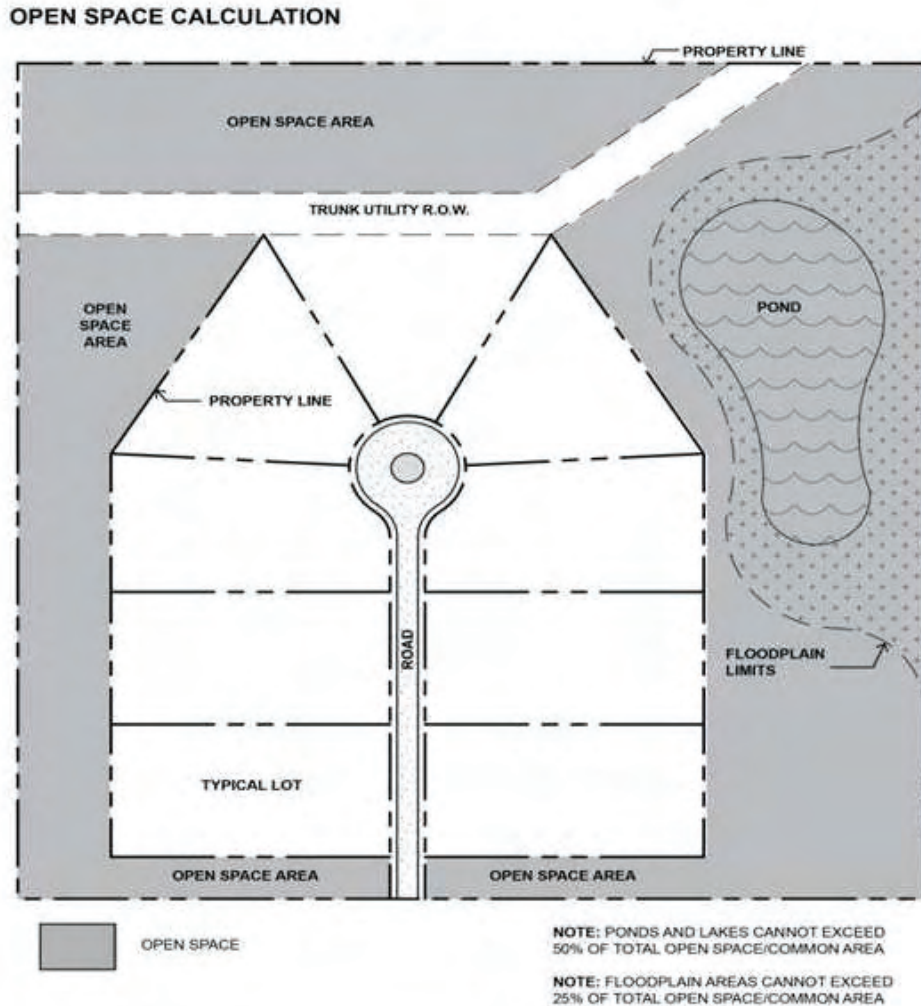


**0.5 FLOOR AREA TO LOT AREA**

**Sec. 15-509. Open space calculation.**

The area in roads and existing utility rights-of-way is not to be included in the required open space calculation. The area in lakes and ponds cannot exceed 50% of the required open space. Floodplain areas cannot exceed 25% of the total open space/common area.

**Figure 17. Open space calculation**

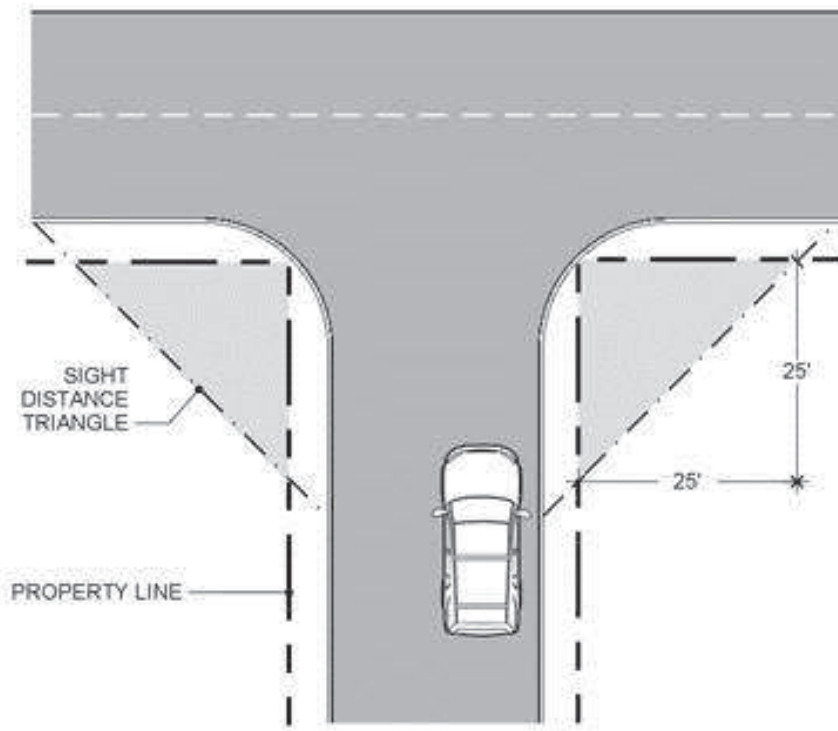


**Sec. 15-510. Sight distance triangle.**

A "sight distance triangle" is the area at the intersection of two roads where a clear line of sight should be maintained. For this section, road includes, but is not limited to, public and private right-of-way and right-of-way easement, driveway, and access drive.

The sight distance triangle is the triangular area bounded by the property lines and a third line connecting these lines 25 feet from their point of intersection. Within the sight distance triangle, nothing can be erected, placed, planted or allowed to grow which impedes vision between a height of 2.5 feet and 10 feet above grade.

**Figure 18. Sight distance triangle**

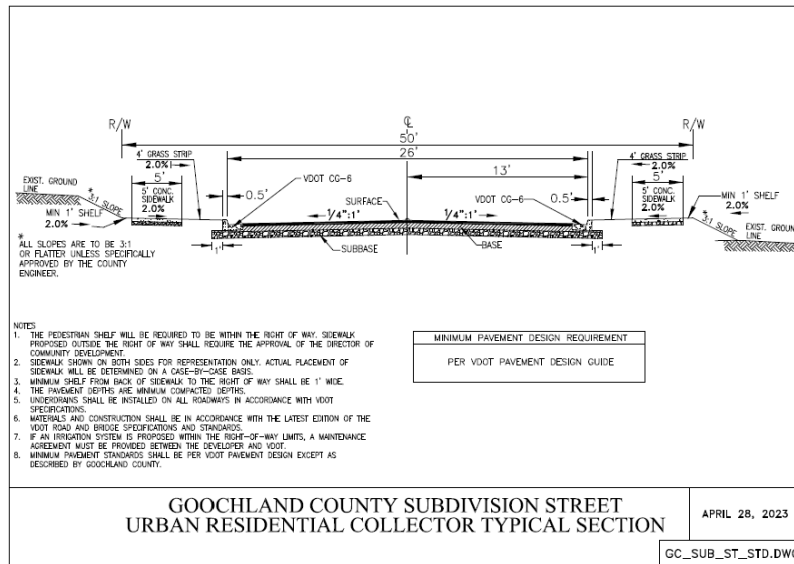


**Sec. 15-511. Tree caliper measurement.**

If a tree is four inches or less in diameter, the tree caliper measurement is taken six inches above the ground. If the diameter is greater than four inches, the tree caliper measurement is taken at 12 inches above the ground.

**Sec. 15-512. Road typical sections**

**Figure 19. Urban residential collector road**



**Figure 20. Rural residential collector road**

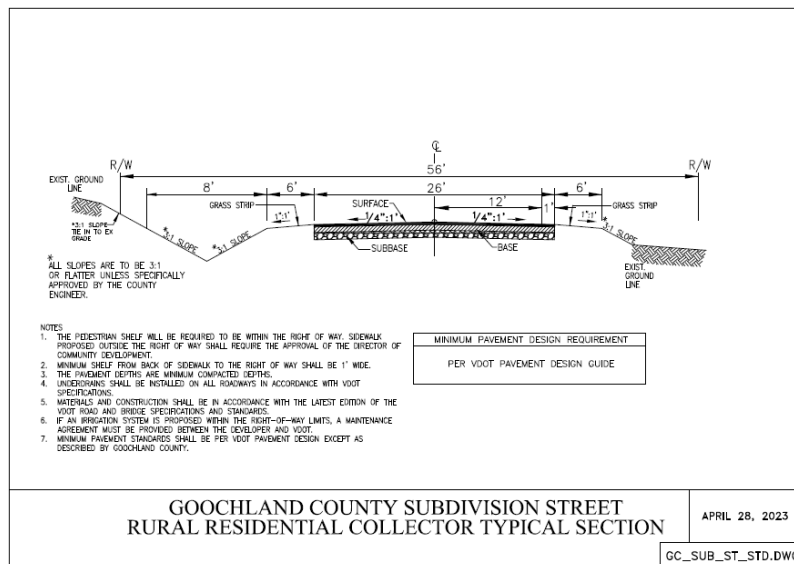


Figure 21. Curb and gutter road

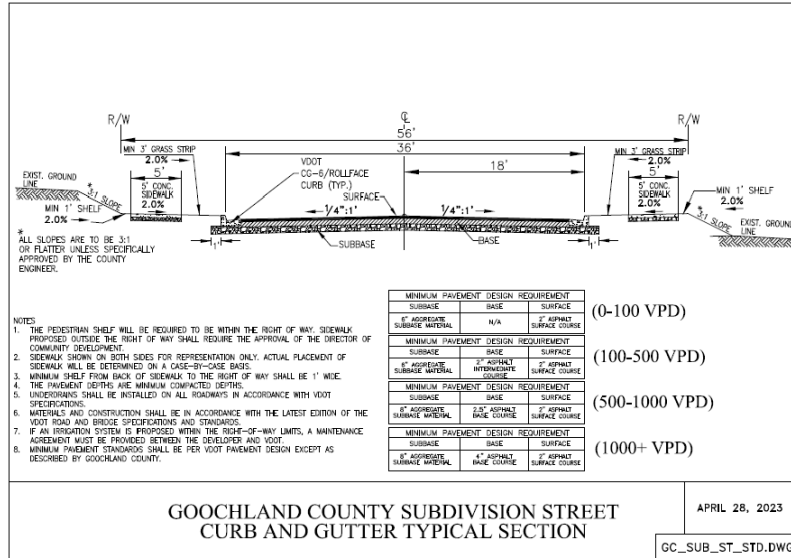


Figure 22. Curb and gutter intersection

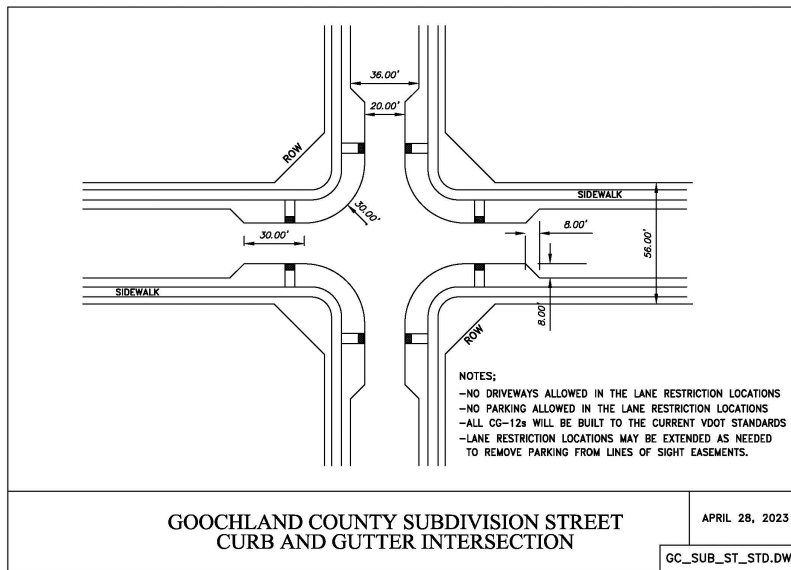


Figure 23. Shoulder and ditch road

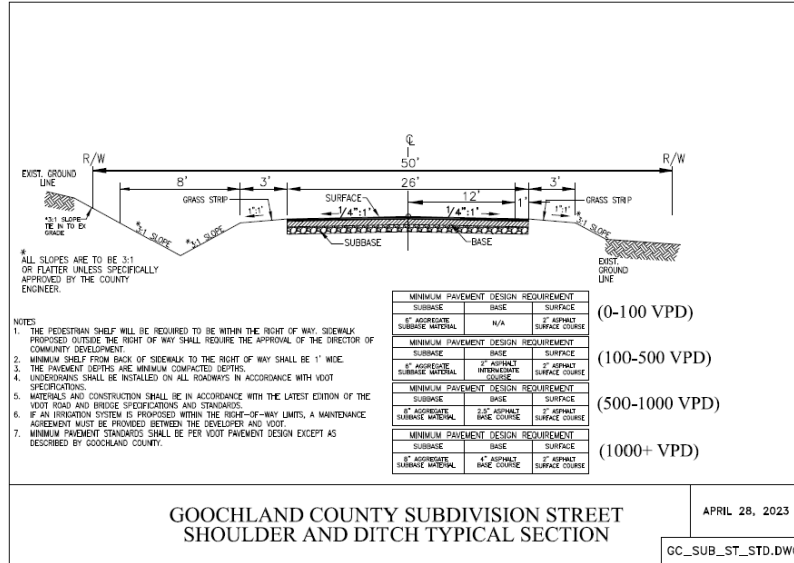
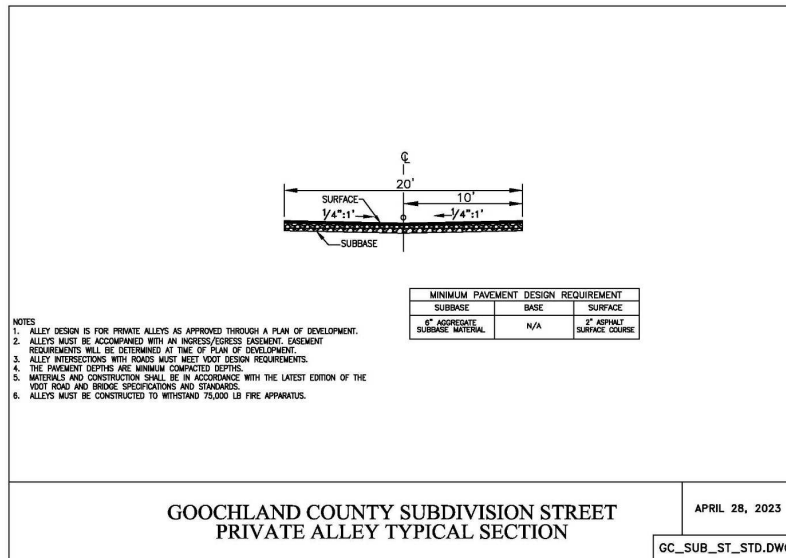
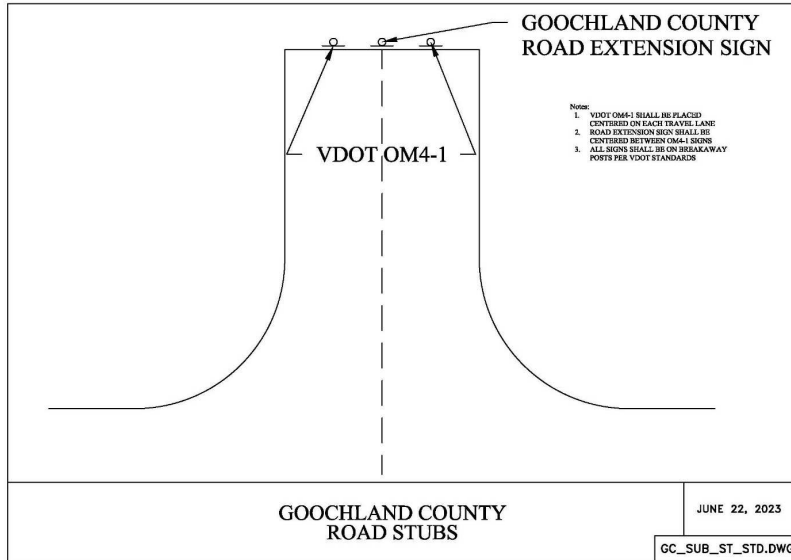


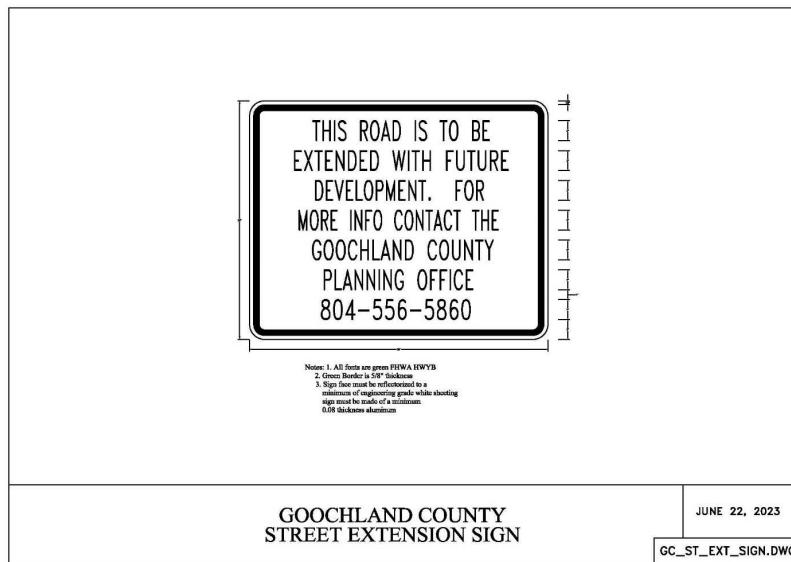
Figure 24. Private alleys



**Figure 25. Road Stubs**



**Figure 26. Road Extension Sign**



(Ord. No. 5970, § 5, 7-2-24)

**APPENDIX A**

**RESERVED\***

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**\*Editor's note**—Ord. No. 3398, adopted on November 6, 2019, and effective on January 1, 2020, repealed the former Appendix A, arts. 1—30, and enacted a new zoning ordinance as set out in Chapter 15.